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ABSTRACT

This booklet describes the juvenile justice system and offers suggestions for the system's future. The disparate legal context of juvenile justice in the United States reflects Americans' ambivalent feelings toward this branch of justice. What is needed, it is argued, is a developmental perspective where society expects young people to make mistakes and then addresses these actions without exacting full adult court penalties. Profiles of delinquency cases and the characteristics of juvenile delinquents and their backgrounds are examined. Denoting trends in adolescent crime is difficult since only about one-third of all crimes are reported to the police; juvenile arrests, therefore, reflect a tiny fraction of overall delinquent behavior. Arrest records do indicate that minority adolescents comprise a disproportionate share of those incarcerated. Likewise, actions toward female offenders appears unequal with 61 percent of females not incarcerated for delinquent behavior. The situation is further confused by the lack of any standardized measure for recidivism. Once they are detained, juveniles need to have specific problems addressed. Their health care, environmental forces, and other factors require concerted remedies. The federal government can help reform juvenile justice by viewing it as an adolescent health care system, where juveniles' mental and physical health are systematically addressed. (RJM)

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Juvenile Justice

Improving The Quality Of Care

An NCCD Study by
Barry Krisberg, Ph.D.

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JUVENILE JUSTICE

IMPROVING THE QUALITY OF CARE

By
Barry Krisberg, Ph.D.

Background and Approach

The concept of a separate juvenile justice system evolved in the latter half of the 19th century, culminating in the Illinois Juvenile Court Law of 1899. As America enters the last decade of the 20th century the future of the juvenile justice system is very much in doubt. Some have argued that the juvenile court should be abolished (Wolfgang, 1982); others have urged abandonment of the traditional emphasis on rehabilitation (Feld, 1988b). There are also those who contend that the juvenile court can reclaim its historic mission of "pursuing the best interests of the child" and become an important part of a total adolescent health care system (Krisberg, 1988).

This paper offers a critical examination of the theory and practice of juvenile justice. Current policies regarding juvenile offenders are evaluated in terms of whether juvenile justice interventions respond to the needs of youths, especially their developmental differences and their family and community contexts. Whenever possible this review is grounded in the latest rigorous research. However, as will become apparent, research on juvenile justice is highly underdeveloped.

Emergence and Transformation of Juvenile Justice

As early as 1825 the Society for the Prevention of Juvenile Delinquency advocated separation of juveniles from adult offenders. These Jacksonian era reformers created the New York House of Refuge, as a special prison for wayward youths emphasizing education, industry and moral training (Pickett, 1969). Within a few years, other houses of refuge were established in most major cities. These early juvenile correctional facilities were intended as preventive institutions that accepted children convicted of crimes, destitute youths and children of unfit parents. The first judicial reviews of the authority of the houses of refuge granted them virtually unrestrained powers using the legal doctrine of *parens patriae*. This concept views the state as the ultimate parent for children whose natural parents cannot provide appropriate levels of supervision.

By the mid-nineteenth century, critics were already exposing scandals and abuses occurring within the new youths prisons. There was ample evidence of excessive use of solitary confinement, whipping and other severe forms of corporal punishment. Violence in the institutions was commonplace and one historian estimates that 40 percent of the children escaped from the institutions or their post-release placements (Mennel, 1973). Efforts to reform the houses of refuge resulted in states establishing juvenile facilities in lieu of the privately-run refuges.

In 1847, Massachusetts was the first state to open a "training school." Also, Massachusetts was the first to establish a state-run probation system in which

representatives of the Board of Charities assumed responsibility for selected youths before they appeared in court.

Juvenile institutions were continually plagued with instances of riots and physical abuse of youths. Labor unions objected to the system of contracting out inmate labor to businessmen. Catholic groups complained that incarcerated youths were denied freedom to practice their religion (Mennel, 1973). Many states established special investigative commissions to inspect the training schools and develop alternative placements.

In Illinois, these forces culminated in the Juvenile Court Act of 1899 — the first comprehensive American child welfare legislation. Child advocates, joined by powerful groups such as the Chicago Bar Association and the Chicago Women's Club decried the practice of housing children in the Cook County Jail (Platt, 1969). The new Illinois juvenile court was mandated to handle dependent and delinquent youths. Juveniles charged with truancy, running away or chronic disobedience also were handled by the new "children's court." The court's jurisdiction was made very broad and judges were given wide latitude to remove youths from their families or to supervise them in the community. Court procedures were designed to be informal, flexible and closed to public scrutiny. This operating mode was justified as necessary to protect children.

The concept of a distinct children's court soon spread throughout the nation. By 1925, all but two states had enacted specialized legal procedures for young people. Proponents believed that they had ushered in a new era of individualized and humane care of wayward youths. But, some legal authorities questioned the seemingly unrestrained powers of the court. The new juvenile courts were soon overwhelmed with children and families whose needs greatly outstripped available resources. The goal of individualized treatment was soon abandoned because of staggering caseloads allowing less than ten minutes for hearings (Krisberg and Austin, 1978). Defenders of the court sought to harness the emerging social sciences to augment treatment services through clinics attached to the court providing comprehensive diagnostic and treatment services. However, chronically insufficient budgets and lack of real dispositional options frustrated the hopes of child advocates.

Despite its problems, the basic juvenile court model was largely unquestioned until the mid-1960s. The court began to confront many intractable issues, including the spread of adolescent drug abuse and the emergence of violent youth gangs. Court clients were increasingly minority children and their families, whose cultural backgrounds and experiences differed greatly from court staff.

Growing doubts about the juvenile court led to a series of major U.S. Supreme Court decisions that fundamentally changed juvenile court rules. The landmark decision in **In re Gault** 387 U.S. 1 (1967) specified a detailed set of rights that must be accorded juveniles. The **Gault** decision focused on notification of charges, protection against self-incrimination, the right to confront witnesses and the right to

have a written transcript of the proceedings. Many juvenile court officials opposed these new rights, warning that the humane and informal court process would be transformed into a junior criminal court (Lemert, 1972).

Also in the late 1960s, the Presidential Commission on Law Enforcement and the Administration of Justice (1967) proposed the expansion of programs to divert youths from the court system and to reduce the number of youngsters in detention centers and state training schools. Seven years later, the Congress enacted, by an overwhelming majority, the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 providing federal funds to states agreeing to remove status offenders[1] from secure confinement and to separate children from adults in jails.[2]

The traditional paradigm of juvenile justice was in disarray. The developing consensus emphasized diversion, protection of juveniles' rights and expansion of community-based treatment services. Rather than being a helping agency, the court was viewed with measured distrust. Federal funding priorities favored alternatives to conventional justice system programs.

Within a decade, however, liberal optimism that juvenile justice could be destructured began to wane. Some observers warned that juvenile rights were still honored mostly in the breach (Rubin, 1979); others warned that diversionary programs actually "widened the net" of social control — drawing in youngsters whose misconduct previously did not result in state intervention (Austin and Krisberg, 1981; Cohen, 1979; Lerman, 1975; Scull, 1977).

A very different group of reformers sought to re-orient juvenile justice policies towards harsher penalties for violent and repetitive offenders. They asserted that liberal federal juvenile justice policies were "ideas who vogue has run ahead of solid knowledge" (National Advisory Committee for Juvenile Justice and Delinquency Prevention, 1984:8). The Reagan administration urged: (1) vigorous prosecution of serious juvenile offenders, (2) a new focus on the plight of "missing" children, (3) mandatory and harsher sentencing laws, (4) programs to reduce school violence, and (5) national crusades against drugs and pornography (Regnery, 1986).

Federal policy priorities were also mirrored in state legislatures. Since 1976, more than half the states have made it easier to prosecute juveniles as adults. States have removed certain serious crimes from juvenile court jurisdiction and introduced mandatory penalties in juvenile court. Federal and state courts also reflected a sterner attitude toward juvenile offenders. In **Schall v. Martin** 467 U.S. 243 (1984) the Supreme Court upheld the constitutionality of preventive detention of juveniles for their own protection and to prevent pretrial crimes.

Attacks on the juvenile justice system from liberal and conservative quarters continue. Some would question whether the juvenile court serves a useful function (Feld, 1988b). Most observers would agree that the court needs a revitalized mission to bolster its image and public support. Before evaluating the prospects for change, a

more detailed understanding of the components of the juvenile justice system is needed.

Structure and Operation of the Juvenile Justice System

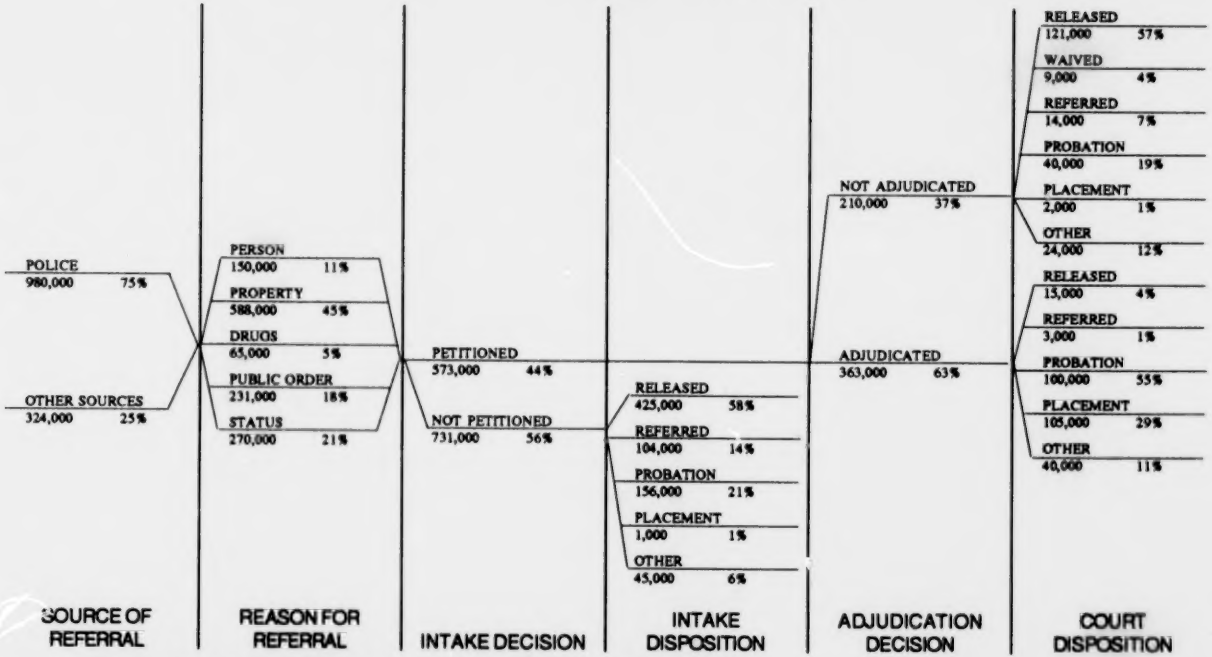
Figure 1, developed by the National Center on Juvenile Justice, provides a general view of how the juvenile justice system operates (Office of Juvenile Justice and Delinquency Prevention, 1987). This model of case processing is generally descriptive of practices in various states. However, there exists extreme diversity among jurisdictions in the organization and delivery of juvenile justice services.

Police are the primary referral source to the juvenile court, accounting for approximately 75 percent of all case referrals. The balance of cases come to court via school authorities, social welfare agencies and parents. Virtually all criminal charges result from police referrals; other referral sources loom larger for cases involving truancy, running away, and chronic parental conflict. Police make initial and critical decisions about how adolescents will be handled. They may decide to handle cases informally through warnings and verbal reprimands. Law enforcement agencies often refer youths to non-judicial agencies such as youth service bureaus, community-based organizations or their guardians. Police also make key decisions on whether adolescents are temporarily detained in police lockups and adult jails, juvenile detention facilities or their homes.

Figure 1 also shows the reasons for referral into the juvenile court system. Crimes against persons or property account for 56 percent of total referrals. Offenses against public order, including loitering, vagrancy, trespassing and public intoxication comprise 18 percent of court referrals. Status offenses such as truancy, running away, curfew violations and incorrigibility make up another 21 percent of the referral reasons. Traditionally, drug offenses have accounted for only 5 percent of the referrals, but there has been a substantial increase in juvenile drug arrests in recent years (Snyder, 1988).

The police typically bring an adolescent to an intake unit operated by the juvenile court. Intake workers, who are often probation officers, examine the case in terms of legal sufficiency as well as the adolescent's needs for treatment services. The intake worker may file a delinquency petition — meaning that the case will go further through the legal process. The case can also be dismissed or diverted to informal handling by a non-judicial agency. This decision is made customarily after consultation with the prosecutor. The majority of cases (56 percent) are not petitioned, with most of these cases being dismissed. Intake workers also employ a wide variety of informal referrals and placements to manage their cases. As noted earlier, the juvenile court has a strong ideology favoring informality and non-legalistic case dispositions.

FIGURE 1
PROCESSING OF DELINQUENCY AND STATUS OFFENSE CASES BY JUVENILE COURTS IN 1984



Source: Office of Juvenile Justice & Delinquency Prevention, Juvenile Court Statistics, 1984. Washington, DC: Department of Justice, 1987.

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Intake officers recommend to judges whether youths should be detained pending their adjudications. While youths can be briefly detained by law enforcement or probation staff, judicial review of detention decisions is required, usually within 48 hours. Nationally, more than two-thirds of all petitioned cases do not result in detention after judicial review.

The next stage of the juvenile justice process involves the juvenile court. Judges or their designated assistants (known as referees) decide on the legal merits of delinquency petitions. Of formally petitioned cases, 37 percent are either dismissed or handled without a juvenile court adjudication hearing. A small number of these cases (9,000 per year) receive a special hearing and are transferred or waived to the criminal court system. Waiver hearings are generally held in cases involving the most serious offenses.

For cases adjudicated in juvenile court, the most frequent disposition is probation (55 percent). Roughly 29 percent of adjudicated delinquents are placed in a broad variety of residential programs including public and private facilities. These placements can range from high security correctional facilities to wilderness programs, group homes or foster families. Another 16 percent of adjudicated cases are released, referred to social service agencies or given some other disposition such as fines, restitution or mandatory counselling services.

The composite picture of juvenile justice emerging from these data is of a very informal, diversionary process. Only 28 percent of total referrals result in a formal adjudication; 8 percent of all referrals end with a court-ordered placement.[3] The juvenile justice system includes many different types of public and private community agencies. The multiplicity of informal dispositions and the extremely localized decision-making presents a particular challenge to improving the treatment of delinquents (Krisberg et al., 1984).

The Legal Context of Juvenile Justice

A variety of state statutes establish the legal authority for the delivery of juvenile justice services. There is great variation in the behaviors proscribed by juvenile codes, the ages of youths covered and the purposes of the juvenile court. In essence there are at least 50 distinct and highly individualized juvenile justice systems in the United States.

This diversity is particularly important in defining the age of jurisdiction. Figure 2 summarizes state laws governing when criminal courts can gain jurisdiction over adolescent offenders. Fifteen states specify no minimum age for transfers of juveniles to adult courts. The vast majority of states permit transfers for adolescents as young as 14 years old. Others statutes list specific offenses that result in automatic

FIGURE 2

Under certain circumstances, juveniles may be tried in criminal courts

Age at which criminal courts gain jurisdiction of young offenders ranges from 16 to 19

Age of offender when under criminal court jurisdiction	States
16 years	Connecticut, New York, North Carolina
17	Georgia, Illinois, Louisiana, Massachusetts, Missouri, South Carolina, Texas
18	Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Federal districts
19	Wyoming

Source: "Upper age of juvenile court jurisdiction statues analysis," Linda A. Szymanski, National Center for Juvenile Justice, March, 1987.

All states allow juveniles to be tried as adults in criminal courts

Juveniles are referred to criminal courts in one of three ways

- **Concurrent jurisdiction** - the prosecutor has the discretion of filing charges for certain offenses in either juvenile or criminal courts
- **Excluded offenses** - the legislature excludes from juvenile court jurisdiction certain offenses usually either very minor, such as traffic of fishing violations, or very serious, such as murder or rape
- **Judicial waiver** - the juvenile court waives its jurisdiction and transfers the case to criminal court (the procedure is also known as "binding over" or "certifying" juvenile cases to criminal courts)

12 states authorize prosecutors to file cases in the juvenile or criminal courts at their discretion

This procedure, known as concurrent jurisdiction, may be limited to certain offenses or to juveniles of a certain age. Four states provide concurrent jurisdiction over juveniles charged with traffic violations. Georgia, Nebraska and Wyoming have concurrent criminal jurisdiction statutes.

As of 1987, 36 states excluded certain offenses from juvenile court jurisdictions

Eighteen states excluded only traffic, watercraft, fish, or game violations. Another 13 states excluded serious offenses; the other 5 excluded serious offenses and some minor offenses. The serious offenses most often excluded are capital crimes such as murder, but several states exclude juveniles previously convicted in criminal courts.

48 states, the District of Columbia, and the Federal Government have judicial waiver provisions

Youngest age at which juvenile may be transferred to criminal court by judicial waiver	States
No specific age	Alaska, Arizona, Arkansas, Delaware, Florida, Indiana, Kentucky, Maine, Maryland, New Hampshire, New Jersey, Oklahoma, South Dakota, West Virginia, Wyoming, Federal districts
10 years	Vermont
12	Montana
13	Georgia, Illinois, Mississippi
14	Alabama, Colorado, Connecticut, Idaho, Iowa, Massachusetts, Minnesota, Missouri, North Carolina, North Dakota, Pennsylvania, South Carolina, Tennessee, Utah
15	District of Columbia, Louisiana, Michigan, New Mexico, Ohio, Oregon, Texas, Virginia
16	California, Hawaii, Kansas, Nevada, Rhode Island, Washington, Wisconsin

Note: Many judicial waiver statues also specify offenses that are waivable. This chart lists the states by the youngest age for which judicial waiver may be sought without regard to offense.

Source: "Waiver/transfer/certification of juveniles to criminal court: Age restrictions: Crime restrictions," Linda A. Szymanski, National Center for Juvenile Justice, February, 1987.

Source: Bureau of Justice Statistics, Report to the Nation on Crime and Justice.

waivers of juveniles to criminal courts or grant prosecutors discretion to select the court of jurisdiction.

State juvenile justice systems also differ in terms of the scope of misconduct leading to court intervention. For example, Washington state excludes status offenses from court authority, whereas other states such as California limit the range of sanctions to be used with status offenders. Some jurisdictions handle delinquency, dependency and neglect within one court; others assign dependency and neglect cases to specialized courts.

States also differ as to the structure of the juvenile court. Utah has a statewide separate juvenile court; California's juvenile court is a special division of the Superior Court and New York has a Family Court. Some states have full-time juvenile court judges, whereas others rotate judges in and out of juvenile court assignments. Juvenile court judges vary dramatically in their legislatively mandated powers and the extent of their judicial training and experience (Rubin, 1979). This melange of state laws leads to enormous disparities in practice across state boundaries (Krisberg et al., 1984; Snyder et al., 1989).

Is There A Societal Consensus on the Goals of Juvenile Justice?

A review of juvenile codes and actual practices would lead one to conclude that a multiplicity of goals guides the juvenile justice system. The following sections from California's Welfare and Institutions code vividly illustrate this point:

> ... to provide for the protection and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible... Minors under the jurisdiction of the juvenile court ... shall receive care, treatment and guidance which is consistent with their best interest, which holds them accountable for their behavior, and which is appropriate for their circumstances.
>
> *Moosekian, 1989*

The California code goes on to list a broad range of correctional and sound objectives. However, in recent years it has become increasingly popular to urge harsher punishments for juvenile offenders (Rossum et al., 1987). Periodic violent acts, such as a brutal gang rape in New York's Central Park, tend to inflame passions and encourage those who would handle more adolescent offenders in criminal courts. It is often argued that the juvenile justice system is caught between the conflicting goals of public protection and protecting the best interests of children (Rossum et al., 1987).

Several recent public opinion polls suggest that most Americans want juvenile justice agencies to pursue more effective treatment approaches rather than to increase their punitiveness.

In 1982, the National Council on Crime and Delinquency (NCCD), the Field Institute and the Hubert H. Humphrey Institute of Public Affairs commissioned a national public opinion poll conducted by the Opinion Research Corporation (ORC) (Haugen et al., 1982). The poll found that 87 percent of those surveyed believed that juvenile crime was rising at an alarming rate. Approximately 78 percent felt that the juvenile courts are too lenient on juveniles found guilty of serious crimes. Despite these responses reflecting public fear and concern, the poll also revealed that most Americans (73 percent) want a juvenile court system whose primary mission is treatment and rehabilitation rather then punishment. Whereas a majority (57 percent) felt that incarcerating young offenders served as a deterrent to other adolescents, a much larger group (89 percent) believed that increasing employment opportunities could prevent many serious crimes.

The public showed a strong preference for prevention services. Most of those polled (61 percent) said that status offenders should not be handled by the court system, but by other community agencies. A similar proportion of respondents felt that not enough money and resources were being spent to prevent youth crimes.

More recently NCCD and the Field Institute surveyed over 1,000 Californians on their attitudes towards youth crime (Steinhart, 1988a). The results supported and, in some instances, amplified the results of the ORC national poll. The California data are especially significant because the state has the toughest juvenile sentencing policies in the nation (DeMuro et al., 1988).

Similar to the national ORC survey, Californians are convinced that juvenile crime is rapidly increasing and that juvenile courts are too lenient with serious offenders. However, Californians strongly endorse rehabilitation for juveniles (71 percent) and subscribe to a view of the juvenile court as primarily a treatment agency (68 percent). By a wide margin (84 percent), Californians reject the practice of housing juveniles with adult offenders. They favor shorter sentences for youths (62 percent) and they prefer treatment programs to policies that emphasize long periods of confinement (82 percent).

On virtually every question, Californians register overwhelming support for treatment, education and employment strategies for delinquents. A remarkable 92 percent believe that incarcerated youths should have access to job training, educational and counselling before they re-enter the community. Their responses represent a very strong endorsement of the traditional mission of the juvenile justice system. On several dimensions, the public rejects the simplistic notion that incapacitating young offenders is an effective crime control strategy. The survey respondents also endorse spending more money on prevention and treatment programs.

These poll results are especially significant due to the survey being conducted during the height of a presidential campaign which made crime a major issue. There was also great public awareness of gang violence and escalating drug use in the Los Angeles area. However, Southern Californians responded in comparable ways to citizens in less crime-ridden parts of the state. Indeed, what is remarkable in both the ORC national poll and the California survey is the similarity in responses among various demographic subgroups. Survey respondents, regardless of party affiliation, income level, education, gender or ethnicity, hold very similar views of juvenile justice matters.[4] This is what political scientists call **consensus**.

Of course, public opinion is not identical to political rhetoric or governmental practice. There is hardly agreement on goals among those working in the juvenile justice system. However, these poll data indicate strong public support for juvenile justice reforms that advance treatment and rehabilitation objectives.

The Need for a Developmental Perspective

Almost by definition the juvenile justice system should be guided by a developmental perspective. The central premise of the juvenile court is that children should be treated differently from adults. Adolescents are not viewed simply as small adults. The court's jurisprudence assumes that adolescents possess somewhat less responsibility for their actions than adults. The juvenile court seeks to handle many cases on a less restrictive, informal basis, giving youngsters opportunities to mature out of bad behaviors. Criminologist Franklin Zimring (1977) analogizes the juvenile court to a "learner's permit." Society expects young people to make mistakes and wants them to learn from these indiscretions without exacting full adult court penalties.

In general, the juvenile justice system incorporates an informal sense of "development." Younger offenders are more likely to be diverted to social service agencies by police and courts. Younger adolescents (usually below age 13) are less likely to be detained or placed out of their homes than their older counterparts (Snyder et al., 1989). A significant exception to this general practice occurs with status offenders. Here practices are reversed. Younger status offenders are slightly more likely to be held or placed out of their homes than older youths. This seems to reflect the court's child protection philosophy and its desire to disengage from family disputes as adolescents near the age of legal majority.

Another way in which the current juvenile justice system employs a developmental perspective is in the removal of children from adult jails. The federal JJDPA of 1974 required states to separate juveniles from adults in secure facilities as a condition for receiving grant funds (Schwartz, ed., 1988). In 1980, the Congress strengthened its policy direction, mandating the complete removal of juveniles from

adult facilities. Recently, federal courts have interpreted the federal jail removal mandate as creating a private cause of action (under civil rights laws) for juveniles held in adult jails (Soler, 1988). Most states have made substantial progress towards the goal of eliminating the jailing of children, however as many as 20 states have not fully met the federal mandates (Steinhart, 1988b). As with other aspects of juvenile justice, jail removal policies are highly diverse because states possess different age boundaries defining who is a juvenile.

The juvenile court's developmental philosophy is often severely tested by adolescents committing violent crimes. Neither political nor judicial agreement exists on exactly where to draw the appropriate boundaries between adult responsibility versus the mitigated accountability of young people. These conflicts and contradictions were vividly illustrated in recent U.S. Supreme Court cases involving capital punishment for juveniles.

It should be noted that the U.S. is virtually alone among industrialized nations in sentencing juveniles to death. The only other large nation that has a death penalty for children is Iran.

In **Eddings v. Oklahoma** 455 U.S. 104 (1982) the Court held that age should definitely be considered a mitigating factor in deciding whether the death penalty should apply. The Court noted that adolescents are more impulsive, possess less self-discipline and are less able to consider the long range implications of their actions. The **Eddings** case was soon followed by other cases attempting to establish the age below which it was unconstitutional to execute juveniles. In **Thompson v. Oklahoma** 108 U.S. 2687 (1988) the Court voided statutes in 15 states that specified no minimum age for applying capital punishment. The Court in **Thompson** suggested that age 15 was certainly a minimum age for executions. But, in **Wilkins v. Missouri** 57 U.S. Law Weekly 4973 (1989) the Supreme Court refused to set a higher standard, despite briefs filed by the American Bar Association, the National Council on Crime and Delinquency, and the Children's Defense Fund, among others, urging that the age 18 should be the constitutional minimum age.

The issue of transferring adolescents to adult courts also illustrates current difficulties of implementing a developmental perspective in the juvenile justice system. As noted earlier, the states have widely divergent definitions of the age boundary separating juveniles from adults. Whereas most states give the juvenile court original jurisdiction for youngsters through age 17, New York, Connecticut and North Carolina set that limit as low as age 14. Further, for selected crimes there are both automatic and discretionary procedures for transferring juveniles to criminal courts (Hamparian, 1982). States also differ in how they handle adolescent offenders who are "between two worlds" in the legal process. For example, an adolescent transferred to adult court is held in a juvenile facility in Illinois. In California they would be housed in an adult jail and in New York the young person would be kept in a special adolescent facility operated by the Department of Corrections. Once

sentenced as an adult, a youth under age 18 in Illinois is housed separately from adults; in Texas he is mixed with adult offenders.

Not surprisingly, these diverse procedures lead to a wide disparity in outcomes (Fagan et al., 1987a). Research suggests that transfer decisions are sometimes based on arbitrary and capricious criteria (Eigen, 1981; Bortner, 1986). Moreover, the question of transfers remains an ongoing "hot button" issue in legislative forums, particularly after notorious crimes committed by very young persons. After a particularly brutal and well-publicized juvenile crime in New York City, a New Hampshire congressman introduced a bill that would require all states receiving federal funds to automatically transfer violent offenders over the age of 15 to adult courts. Ironically, this bill is patterned after present New York law which obviously did not deter the perpetrators of the notorious crime.

The transfer issue illustrates the obvious lack of consensus among juvenile justice professionals about incorporating a consistent developmental perspective in their decision-making. Rather than clinical judgments or diagnostic assessments, developmental questions in juvenile justice are largely determined by lawyers and are governed by adversarial procedures.

In sum, the juvenile justice system does not operate with a coherent and consistent developmental perspective. Different handling of adolescents based on their age or maturity levels is determined by legislative actions, adversarial processes and informal and localized court cultures. Juvenile justice practitioners are largely unaware of research on adolescent development. Moreover, the juvenile justice system does not possess the trained personnel to authentically respond to the developmental diversity of its clients. For example, a recent study suggests that adolescents under age 15 do not comprehend the meaning of their basic rights in juvenile court (Grisso, 1980). The author suggests that very young juveniles should not be allowed to voluntarily waive these rights.

What are the Attributes of Adolescents Handled By the Juvenile Justice System?

Describing the characteristics of adolescents entering the juvenile justice system is a very difficult task. Data are collected by a range of independent agencies and these statistical data collection efforts do not use common definitions. One cannot follow individual cases as they flow through the juvenile justice system. Further, there are many informal case dispositions that limit the generalizability of data derived from adolescents who are formally handled by the court. For example, there is no uniform definition of what constitutes an arrest. In some locales, virtually all young people stopped by the police are arrested; in other places only half the youths

apprehended by the police end up with a formal arrest record (Wilson, 1968; Wolfgang et al., 1972).

According to the Federal Bureau of Investigation there were approximately 1.7 million persons under age 18 arrested in 1987 (Uniform Crime Reports, 1988). The FBI reports minimal data about the age, gender, race and offenses of these youths. However, the reliability and completeness of these data are extremely uneven.

A richer source of data on adolescents in the juvenile justice system is the National Juvenile Court Data Archives (NJCDA) (Snyder et al., 1989). These data are from a non-probability sample of 1,133 courts with jurisdiction over roughly 49 percent of the nation's at-risk youth population. The NJCDA employs a complex weighting procedure to generate national estimates based on data from the reporting jurisdictions. Because the data are not based on a probability sample, the sampling error or confidence intervals around the statistics presented are unknown.[5] The data refer only to adolescents formally processed by juvenile courts in 1985 for either delinquency charges or status offenses.

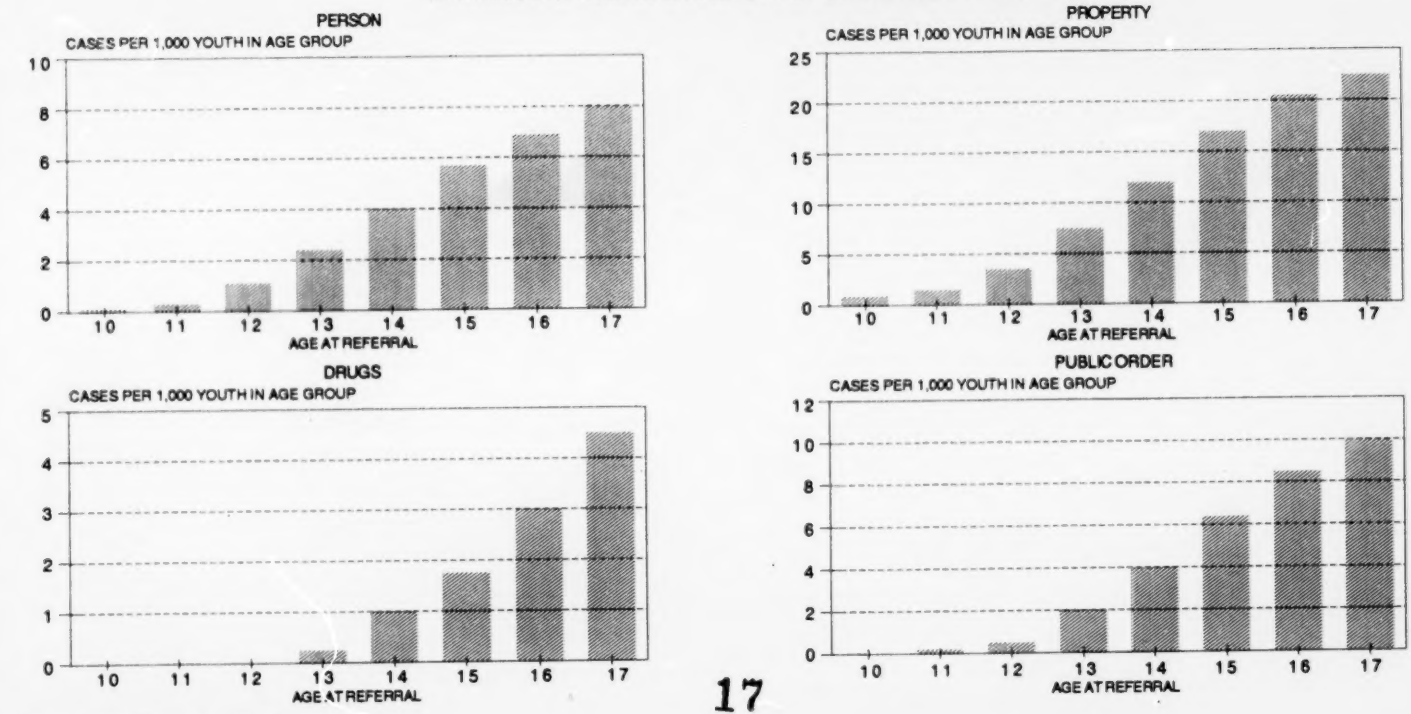
Characteristics of Delinquency Cases

Of the estimated 534,000 delinquency cases handled by courts in 1985, property crimes accounted for 55 percent of the total. Another 21 percent were charged with offenses such as disorderly conduct, public drunkenness and contempt of court.[6] Violent crimes accounted for approximately 18 percent of all court cases. Drug offenses accounted for 6 percent of the juvenile court's cases — but this represents the fastest growing category among all juvenile crimes.

Slightly more than half (53 percent) of court-processed adolescents were under the age of 16 at the time of referral. Figure 3 presents age-specific rates for various delinquency offenses. Delinquency rates rise sharply with age.

Males account for 85 percent of all delinquency cases. Males and females are brought to court for similar types of offenses. White youths comprised 67 percent of those brought into court. However when one examines the rate of court processing per 1,000 youths at risk, minority young people have a delinquency case rate twice that of their white counterparts (36 per 1,000 and 17 per 1,000, respectively).[7] The differences are particularly dramatic for violent offenses — minority youths come to court charged with violent crimes at a rate four times that of white youngsters. More will be said later about the disproportionate representation of minorities in the juvenile justice system.

FIGURE 3
DELINQUENCY CASE RATES
WITHIN AGE GROUPS AND OFFENSE CATEGORIES, 1985



Source: Snyder et al., 1989:19

Characteristics of Status Offenders

Besides those youths referred to court for delinquency, another 88,000 status offense cases were handled by the nation's juvenile courts in 1985. Approximately equal numbers of adolescents were referred for truancy, running away, ungovernability and liquor law violations. Status offenses peak at age 15 and decrease for older adolescents.[8]

Males constituted 57 percent of status offense cases. Males are especially likely to be referred to court for liquor law violations. Females are more likely to be charged with running away. Females are much more often detained and removed from their homes than male status offenders.

Whites comprised 83 percent of the status offense cases. In contrast to the disproportionate number of minorities charged with delinquency, whites had a higher rate of court involvement for status offenses (3.4 per 1,000 and 2.8 per 1,000, respectively).

Family and Economic Backgrounds

While there are no national-level data on the family and economic statuses of delinquent youths, countless state and local studies have reported that most court-processed youths come from low income, female-headed households (Krisberg et al., 1988a; Snyder et al., 1989; Wolfgang et al., 1972).

In 1987, the Bureau of Justice Statistics conducted in-depth interviews with over 2,600 youths residing in state juvenile correctional facilities. This survey provides the most detailed picture ever assembled on serious juvenile offenders (Beck et al., 1988).

The survey revealed a profile of incarcerated adolescents who did not live with their parents while growing up (70 percent). More than half (52 percent) had at least one family member who was incarcerated. The vast majority (80 percent) admitted using illegal drugs; 40 percent reported drug use before the age of 12. Nearly half (48 percent) said they were under the influence of drugs or alcohol while committing their most recent offense.

Adolescents in the Juvenile Justice System with Special Needs

Data on the special needs of juvenile justice clients are extremely limited. While there are several studies analyzing the psychological and learning problems of

selected samples of court adjudicated adolescents, few systematic state-level or national studies have been conducted.

Concern over handicapping conditions among adolescents has intensified since the passage of the Education for All Handicapped Children Act (P.L. 94-142) of 1975. This law made clear that incarcerated adolescents were entitled to a "free and appropriate education" (Hockenberry, 1980). Simultaneously, there has been extensive litigation on behalf of incarcerated young people asserting their rights to treatment and requirements for special educational programming (Shauffer et al., 1987).

Murphy (1986) provides the best overall summary of existing data on the prevalence of handicapping conditions among delinquents. These estimates come from a variety of samples (primarily of incarcerated youths), employ differing definitions of the handicapping conditions and often rely on reports by facility administrators rather than actual clinical measurements. Still, the existing evidence suggests that delinquents have much higher rates of handicapping conditions than the general adolescent population. For example, two federal studies estimate that between 6 and 14 percent of all school age children possess some handicapping condition (Comptroller General, 1981; Office of Special Education Programs as reported by Murphy, 1986). By contrast, two national surveys of incarcerated youths found that between 28 and 42 percent of confined delinquents were classified as handicapped (Murphy, 1986:9).

The previously mentioned studies of school age youths reported that between 1 and 2 percent suffered from emotional disturbances. Several studies of delinquent populations report prevalence rates of emotional disturbance at 16 to 50 percent (Murphy, 1986:10). Prevalence rates of mental retardation among delinquent populations are at least five times those of the general adolescent population (Murphy, 1986:11).

Other researchers have reported extraordinarily high rates of learning disabilities among delinquent youths (Murphy, 1986:12). Young et al., (1983) found that 8 percent of the incarcerated juvenile population had physical handicaps and 9 percent suffered from chronic illnesses: prevalence rates at least fifty times those of average school-age youths. Other health researchers have reported very high rates of head injuries (Snavely reported in Murphy, 1986) as well as speech and vision impairments (Magrab and Williams, 1982; Morgan, 1979).

These studies show that the incarcerated adolescent population include large proportions of youngsters with severe medical, psychological and developmental problems. There are virtually no data on the prevalence of these special needs among the adolescents placed on probation or managed informally by the juvenile justice system. However, it is certain that very few juvenile justice agencies are equipped to respond to these special needs. This situation demands urgent attention on humanitarian grounds alone. Moreover, one can reasonable predict more extensive

litigation efforts to provide statutorily mandated health and special education services to delinquent youths (Shauffer et al., 1987).

Important Trends in Adolescent Crime and Juvenile Justice

The most obvious first question is: what are the trends in the delinquent behavior of American adolescents? Unfortunately, this legitimate policy concern cannot be answered. Only crimes resulting in arrests provide data on the age of the perpetrator. This represents a very small proportion of all offenses; only about one-third of all crimes are even reported to the police and arrests are made in the cases of approximately 20 to 25 percent of reported crimes. Thus, trend data based on juvenile arrests reflect a tiny fraction of overall delinquent behavior (Bureau of Justice Statistics, 1988).

Another potential source of information on delinquency is national probability samples of adolescents such as the University of Colorado's National Youth Survey (NYS) (Elliott et al., 1985) and the University of Michigan's Monitoring the Future Project (MFP) (Johnson et al., 1985).[9] The NYS is a longitudinal survey of a national sample of adolescents begun in 1976. Data are derived from the self-reports of these young people. The MFP also relies on self-report data, however, the annual sample is drawn from the universe of high school seniors. The NYS is particularly valuable for longitudinal analyses and allows estimation of statistics for all adolescents. The MFP misses those who have dropped out of school, but it generates more extensive annual trend data for those adolescents sampled.

According to the NYS, in 1976 approximately 29 percent of males and 11 percent of females aged 11 to 17 years reported committing an index offense. The NYS data indicate that birth cohorts born after 1960 have lower delinquency prevalence rates, but those youths who report committing serious offenses also report higher incidence rates (more crimes per offender). Thus, a smaller proportion of adolescents are getting involved in serious delinquency, but this subgroup is committing more crimes. At an aggregate level, these two trends suggest a relatively stable amount of delinquency in the society. The MFP reports similar findings. Neither the NYS nor the MFP provide explanations for these trends.

Juvenile arrest trends portray a very different picture of delinquency. Between 1978 and 1987 the number of juveniles arrested for index crimes declined by 13 percent. By contrast, during this same period adult arrests for serious crimes rose by 37 percent. The overall decline in juvenile arrests was largely a function of fewer male arrests (down 20 percent); female arrests during this decade actually increased by 30 percent (Uniform Crime Reports, 1988:169). While some of this drop in arrests can be explained by a decline in the absolute numbers of adolescents in the

society, this demographic fact cannot account for the substantial rise in female arrests.[10]

At the same time that fewer juveniles were being arrested, the manner by which police handled these cases changed. In the early 1970s about half the juveniles taken into custody were referred to juvenile court; the others were handled informally within police agencies or were diverted to social service agencies. By 1987, the proportion of adolescents sent to court increased to 62 percent. There were corresponding declines in the use of diversionary methods. Moreover, the proportion of those arrested referred to adult courts rose from 1 percent to 5 percent between 1971 and 1987 (Krisberg et al., 1986b; Uniform Crime Reports, 1988:225).

Juvenile court statistics reveal parallel trends of (1) handling a larger share of referrals by formal delinquency petitions, (2) reduced use of probation and increased out-of-home placements, and (3) a larger proportion of cases transferred to adult courts. The pattern is unmistakable. Despite declining numbers of arrests, the juvenile justice system became more formal, more restrictive and more oriented towards punitive sanctions (Krisberg et al., 1986b).

Not surprisingly, these juvenile justice trends have contributed to historic high levels of incarcerated adolescents. Table 1 shows that juvenile confinement rates have increased by 43 percent between 1977 and 1987 (Krisberg et al., 1989b). This rise of children in custody rates occurred in both public and private facilities. Privately operated juvenile corrections facilities experienced the largest growth in admissions (48 percent), whereas the rising population in public facilities was more a product of increased length-of-stay rather than admissions. Other data suggest that the number of juveniles in jails has remained constant and the number of persons under 18 residing in prisons has increased (Krisberg et al., 1989b).

TABLE 1

RATES PER 100,000 OF JUVENILES IN CUSTODY

1977-1987*

	1977	1979	1983	1985	1987	Percent Change 77-87
U.S. Total	247	251	290	313	353	+43%
Public	149	151	176	185	208	+40%
Private	98	100	114	128	145	+48%

Source: Children in Custody, 1977-1987
U.S. Bureau of Census, Population Estimates

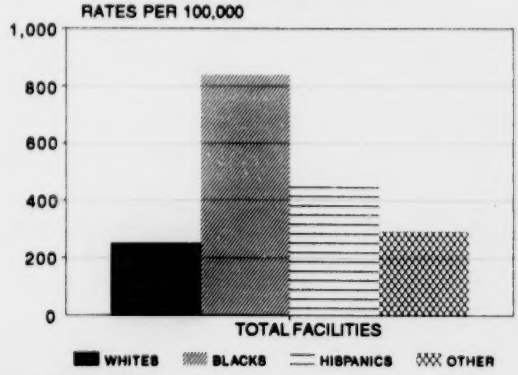
* Rates are computed for juveniles age 10 to the upper age of juvenile court jurisdiction in each state.

Expenditures for juvenile corrections have barely kept pace with inflation. Also, there have been minimal capital investments in juvenile corrections because government attention has been riveted to the massive problems of prison and jail crowding. Consequently, more and more juvenile corrections facilities are chronically crowded and physical plants are deteriorating. The crush of numbers has strained professional and staff resources. This has resulted in many lawsuits challenging the constitutionality of conditions of confinement in juvenile facilities (Krisberg and Breed, 1986). The experience of confinement has become harsher for the growing number of confined adolescents.

Over-representation of Minority Adolescents in Juvenile Justice

Minority adolescents comprise a disproportionate share of juvenile justice clients at every stage in the process. Figure 4 shows juvenile custody rates by race. Black youngsters are confined at a rate four times that of whites; the Hispanic youth incarceration rate is more than double the white rate. The over-representation of minority adolescents in correctional facilities is even more pronounced for males. Further, minority adolescents are far more likely to be sent to public versus private correctional facilities. Black and Hispanic adolescents are more likely to be housed in more secure correctional settings (Krisberg et al., 1987).

FIGURE 4
JUVENILES IN CUSTODY BY RACE
RATES PER 100,000 IN ALL FACILITIES



Source: Children in Custody, 1987
U.S. Bureau of Census, Population Estimates

Minorities have arrest rates for index crimes nearly three times those of whites. For violent offenses these arrest differentials are even larger (Uniform Crime Reports, 1988). As noted earlier in this paper, juvenile court statistics reveal that minority adolescents are processed through court at a rate two times that of white youngsters. This finding is particularly true for crimes against persons. Minority youths are more likely to be detained awaiting court hearings and are more likely to be placed out of their homes after adjudication (Snyder et al., 1989).

These compelling data demand detailed policy analysis. While there has been extensive research on this question, the accumulated research data are contradictory and incomplete (Krisberg et al., 1987). Both self-report and police data indicate that minorities engage in delinquent behavior more frequently than white adolescents, however, these differences in behavior are not large enough to completely account for the much higher presence of minorities in the juvenile justice system. For example, Huizinga and Elliott (1987) report that for adolescents reporting equal levels of serious delinquency, black youngsters are twice as likely to have a recorded arrest. Huizinga and Elliott find that neither higher prevalence nor incidence rates account for the over-representation of black adolescents in juvenile correctional facilities. Krisberg et al. (1987) used FBI data to show that post-arrest processes increase the probability of incarceration for black, Hispanic and Native American adolescents. Fagan and his colleagues (1987a) found substantially different outcomes by race at all levels of the juvenile justice process in one western state.

Researchers have not been able to precisely estimate the impact of behavior versus system processing in producing the disproportionate minority presence in the juvenile justice system. It is likely that both factors are operating to some extent. Moreover, it is probable that social class, family and community variables also impact the relationship between race and justice system involvement. It is not simply a matter of prejudiced justice system workers, although this is a problem in certain locales. Far more subtle and intractable forces are at work including real and perceived differences about: (1) the existence of community-based alternatives for inner-city adolescents, (2) the strength of family supervision, and (3) the extent of gang activity and drug trafficking in minority communities. All of these factors might lead court officials to place adolescents out of their homes for reasons of child protection rather than for punitive purposes.

The imbalance of minorities in the juvenile justice system has led OJJDP to require that recipients of JJDPA funding examine the problem within their jurisdictions. Many national organizations such as the American Correctional Association, the National Council of Family and Juvenile Court Judges and the National Association of State Juvenile Justice Advisory Groups are presently completing studies on this issue. In the next few years the research data base should vastly improve and there will be several demonstration projects aimed at reducing the number of minority youths who spend their adolescence in confinement.

The Ambivalent Response to Female Offenders

In the late 1940s distinguished criminologist Paul Tappan (1947) raised serious questions about the disparate treatment of young women in New York City's juvenile court. Some researchers have reported finding that young female delinquents receive less severe dispositions than males (Snyder et al., 1989; Figueira-McDonough, 1985; Teilman and Landry, 1981). Others have found that female status offenders receive harsher punishment than either male status offenders or delinquent offenders of either gender (Chesney-Lind, 1978; Krohn et al., 1983; Shelden, 1981). Young females are often referred to juvenile court for minor offenses. The court has historically played a significant role in regulating the sexual behavior of female adolescents, but not males (Chesney-Lind, 1989; Figueira-McDonough, 1987; Sarri, 1986).

Female status offenders are much more likely to be detained or placed in out-of-home settings than males (Schwartz et al., 1989). In 1987, there were 19,035 females and 72,611 males housed in public and private juvenile correctional facilities. Table 2 presents the offenses for which these youths were confined. It is striking that the vast majority (61 percent) of females were *not* incarcerated for delinquent behavior. The most frequent reasons for female custody are status offenses and non-offenses (abuse, dependency and neglect). Only 6 percent of females as compared to 20 percent of males were confined because of crimes against persons (Krisberg et al., 1989b). Females are twice as likely as males to be in correctional facilities as result of voluntary commitments — usually at the request of parents or guardians.

TABLE 2
JUVENILES IN CUSTODY
IN PUBLIC AND PRIVATE FACILITIES
BY REASONS FOR COMMITMENT AND GENDER*

	Males	Females
	(N=72,611)	(N=19,035)
Delinquent Acts	77%	38%
Crimes Against Persons	20%	6%
Crimes Against Property	37%	15%
Alcohol Offenses	1%	1%
Drug Related Offenses	6%	3%
Public Order Offenses	3%	4%
Probation/Parole Violations	5%	6%
Other	5%	4%
Status Offenses	8%	24%
Non Offenders	9%	22%
Voluntary Commitments	6%	15%

Source: Krisberg et al., 1989:35.

Because of their relatively small numbers in male-dominated corrections systems, females often do not receive the same range of educational, counseling and vocational services. Moreover, most treatment approaches are derived from theories and empirical studies based on delinquent males. There is scant awareness among court personnel of the special etiology of female delinquency. For instance, research is now showing that female delinquents have suffered disproportionately from sexual abuse in their "growing up" experiences. Often young women are running away from abusive homes and their subsequent delinquent behavior is closely tied to their efforts to escape further abuse at home or in institutions (Chesney-Lind, 1989; Peacock, 1981).

One consequence of federal and state efforts to remove status offenders from secure facilities is a significant reduction of young women in detention centers and state training schools (Krisberg et al., 1986b). From 1974 to 1979 the number of females in public juvenile facilities declined by 40 percent. However, between 1979 and 1987 the number of females in private juvenile facilities increased by 19 percent. As noted previously, most of these young women are confined for non-delinquent behavior (Krisberg et al., 1989b).

The Effectiveness of Juvenile Justice Interventions

The continuing ideological challenges to the juvenile court from critics of both liberal and conservative persuasions has re-awakened interest in measuring the impact of juvenile justice interventions. Severe fiscal pressures on local government have generated demands that the court produce "results" commensurate with public investments. However, there is no clear agreement on exactly what outcomes are to be measured, nor about the most appropriate measurement techniques.

Research on juvenile justice has centered on: (1) descriptions of court processing, (2) studies of decision-making, and (3) evaluations of special programs. There are few studies of the major and predominant sanctions employed by juvenile justice agencies such as probation or commitments to state juvenile corrections facilities. Indeed, very few juvenile justice agencies routinely collect any data at all on outcomes. If at all, agencies collect data on how many youths complete GED degrees, how many hours of community service are performed or how much restitution is paid to victims. There are very limited data on recidivism or about how many youths become adult criminals. Almost nothing is known about whether juvenile justice clients are re-united with their families or obtain jobs.

Despite the significant public attention paid to recidivism rates, there exists no standardized measure of this critical outcome variable. Studies of juvenile corrections efforts have employed several different indicators to gauge subsequent criminality. The most widely used recidivism measures include: (1) the proportion of youths who

are crime-free during a specified period, (2) the incidence or frequency of re-offending before and after court intervention, and (3) the severity of crimes committed before and after court sanctioning. More recently, some researchers (Woolredge, 1988) have proposed examining waiting time until the next offense as another measure of recidivism.

All of these indices are flawed because they depend upon official records of delinquent behavior — i.e. getting re-processed by the juvenile justice system and not the actual behavior of the adolescent. Thus, recidivism rates may be more reflective of agency policy and practices than of actual misconduct. For instance, several corrections systems now report higher failure rates since the implementation of random drug testing of parolees. Before the new policies, these violations of supervision rules would not even be detected.

A plausible alternative recidivism measure might be to employ self-report surveys. However, the validity of self-report data may fluctuate widely for offenders under the immediate jurisdiction of the justice system. The limitations of all existing recidivism indices suggest using multiple measurements, although few studies have employed this method (Maltz, 1984).

Juvenile Corrections System-Level Outcome Data

Recently, NCCD completed a detailed study of recidivism among youths committed to the Massachusetts Department of Youth Services (DYS) (Krisberg et al., 1989a). Massachusetts places only about 15 percent of youths committed to DYS in locked facilities; 85 percent of the youngsters are managed in small group homes, foster care placements, day treatment programs and intensive supervision programs. The small scale of the programs enables staff to respond to youth needs in highly individualized ways – a major part of the historic vision of juvenile justice. We undertook this study because Massachusetts has been viewed as an enlightened model for juvenile corrections. The study was primarily intended to describe the characteristics of DYS youths, the nature and extent of correctional interventions and the impact of these programs on public safety. To provide a context for interpreting the Massachusetts recidivism data, similar information was collected from several other state juvenile corrections agencies.

As noted earlier, interpreting recidivism statistics presents formidable analytic problems due to variations in clients, juvenile justice practices and official crime reporting standards. Nonetheless, NCCD reviewed data from eight separate statewide studies of juvenile corrections systems. Literature reviews were performed to identify reasonably current recidivism data. Studies identified were then carefully reviewed to

determine the validity of the research methods used. In addition, a number of states provided unpublished data on recidivism.

Most important, we found that recidivism information is not routinely collected in most jurisdictions. Other states employ a range of recidivism measures that are not comparable to any other states. Very few studies report on multiple measures of recidivism or other measures of social adjustment. Figures 5 through 7 summarize the data based on 12-month follow-ups on re-arrests and reconviction, and 36-month follow-ups for re-incarceration from Massachusetts, Pennsylvania, Utah, Florida, Texas, Illinois, Wisconsin and California (Krisberg et al., 1989a). In general, these data cover serious and chronic juvenile offenders. The rates reported here are higher than those reported for adolescents charged with lesser offenses and placed on probation or handled informally by the court (Wolfgang et al., 1972; Snyder et al., 1989).

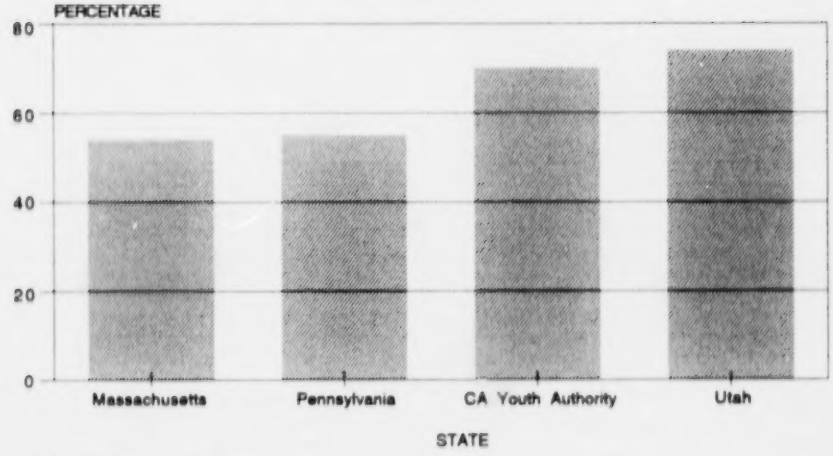
Rates of re-arrest ranged from roughly 50 percent in Massachusetts and Pennsylvania to over 70 percent in California and Utah. Data on the proportion of youths reconvicted within twelve months reveal a narrower band of variation. Whereas Utah seemingly possessed the highest recidivism based on re-arrest data, the state's reconviction rate is much closer to that of the jurisdiction with the lowest rate. This means that many of the Utah re-arrests did not result in sustained delinquency cases.

The data on re-incarceration rates show wide variation from 25 percent to over 60 percent. However, these data are highly dependent on local sentencing policies and may not accurately reflect the levels of criminal misconduct among youths in various correctional systems.

Overall, these data suggest that very large proportions of juvenile corrections clients will be subsequently arrested. Thus, the notion of youths being crime-free after court intervention is not correct. However, it is important to note that at least half the youths (previously judged as chronic and violent offenders) were not incarcerated in the 36 months after their commitment to a state juvenile correctional program. This refutes the popular misconception that the majority of serious juvenile offenders "graduate" into adult criminal careers and subsequently enter prisons.[11] Other research indicates that even though most youths continue to be arrested, the frequency and severity of their criminal behavior decline dramatically (Elliott, 1987; Murray and Cox, 1979; Krisberg et al., 1987; Krisberg et al., 1989a).

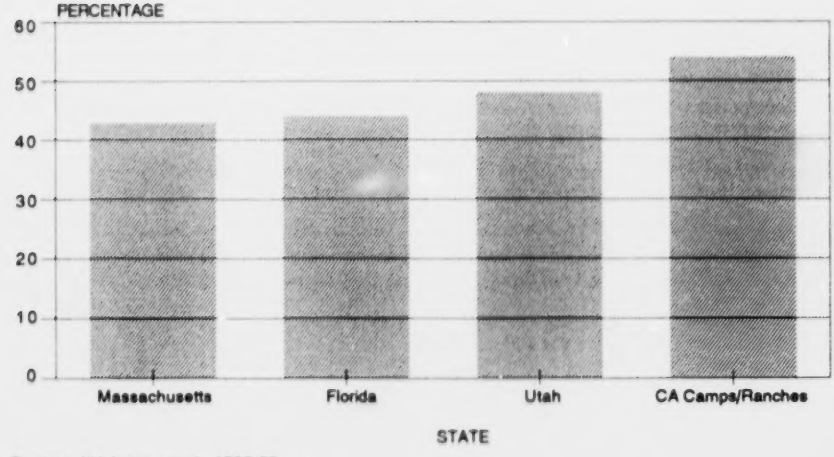
The fact that most juvenile offenders improve (even if they are not "cured") in terms of serious criminality can be explained by several distinct processes. One argument suggests that the alleged improvements are simply statistical artifacts produced by regression to the mean and maturation effects (Maltz, 1984). A variation on this theme is presented by Elliott (1987), whose self-report data show that the duration of serious and violent offense careers among juveniles is very short. Alternatively, some have asserted that the drop in offending rates is attributable to the

FIGURE 5
PROPORTION RE-ARRESTED
WITHIN 12 MONTHS



Source: Krisberg, et al. 1989:29

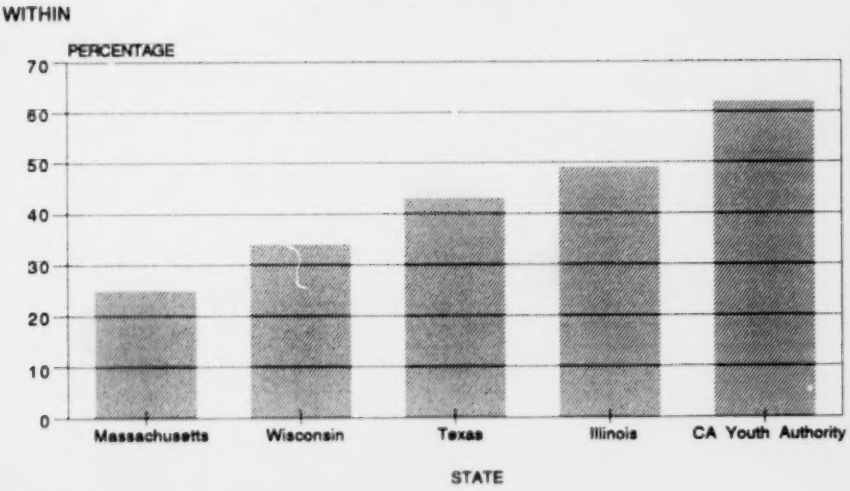
FIGURE 6
PROPORTION RECONVICTED
WITHIN 12 MONTHS



Source: Krisberg, et al. 1989:29

FIGURE 7

PROPORTION REINCARCERATED*



Source: Krisberg, et al. 1989:29

* Covers incarceration in state adult or juvenile facilities
Juvenile commitments only, 24 month follow-up

deterrent or rehabilitative impact of court interventions (Murray and Cox, 1979; Krisberg et al., 1987). At present, there is insufficient empirical evidence to choose among these competing hypotheses.

Despite an often intense ideological battle over the value of incarceration to reduce youth crime, the empirical data are inconclusive. There is no clear evidence that increased rates of confinement or longer terms of incarceration exert a deterrent effect on adolescent offenders (Schneider, 1984; Singer and McDowall, 1987). Neither is there unambiguous evidence that juvenile corrections facilities are always "schools for crime" (Murray and Cox, 1979). It is well documented that abusive practices and gang cultures dominate the larger juvenile facilities, however, these harms may not be automatically linked to future criminal behavior (Feld, 1977; Bartollas et al., 1976; Lerner, 1986).

Does Anything "Work" With Juvenile Offenders?

Disappointing assessments of juvenile correctional programs have been reported since the Glueck's classic studies of the 1930s. In the mid-1970s, the influential work of Robert Martinson (1974) appeared to buttress the policy conclusion that "nothing works." Martinson's review of available evaluation studies was used both by those urging more punitive responses and those arguing for diverting more youngsters from the juvenile justice system. Others such as Finckenauer (1984) have demonstrated that fads, "pop psychology" and untested clinical insights have shaped juvenile corrections more than careful empirical studies.

More recently, some researchers have questioned the empirical validity of the "nothing works" conclusion. Interestingly, Martinson himself recanted his initial views and later reported data re-affirming the value of rehabilitative programs (Martinson, 1979). Canadian researchers Gendreau and Ross (1987) have compiled an impressive set of studies showing the positive results of correctional interventions. Others such as Greenwood and Zimring (1985), and Altschuler and Armstrong (1984) have identified what they believe are the critical components of successful juvenile correctional programs. These include: (1) continuous case management, (2) careful emphasis on re-integration and re-entry services, (3) opportunities for youth achievement and program decision-making, (4) clear and consistent consequences for misconduct, (5) enriched educational and vocational programming, and (6) a diversity of forms of family and individual counseling matched to adolescents' needs.

Greenwood and Zimring highlight the promise of private sector programs such as VisionQuest, the Associated Marine Institutes, the Eckerd Foundation and Homeward Bound that are alternatives to conventional juvenile correctional facilities.

There is a substantial body of evidence that many incarcerated adolescents can be managed effectively in well-structured community-based programs (see Figure 8). In the 1960s the California Youth Authority randomly assigned youths to either institutions or intensive community treatment units. Those in the community treatment units had much lower rates of parole failure after 12 month and 24 month follow-up periods (Palmer, 1971).[12]

In Provo, Utah, Empey and Erickson (1972) randomly assigned youths to traditional probation versus more intensive supervision that entailed daily counseling sessions. The researchers were unable to implement a design that included some youths randomly assigned to Utah training schools. However, they did compare the recidivism of their experimental groups with youths sentenced to state corrections programs from other counties. The corrections youths had the worst failure rates. The intensive probation group performed better than the regular probationers.

In the Silverlake experiment in Los Angeles, California, Empey and Lubeck (1971) launched a more rigorous test of alternatives to incarceration. They randomly assigned youths to either a county correctional facility or a community-based group

FIGURE 8
MAJOR RESEARCH ON ALTERNATIVES TO INSTITUTIONALIZATION FOR SERIOUS JUVENILE OFFENDERS

STUDY	INTERVENTION	SETTING	SUBJECT	OUTCOME MEASURES	RESULTS
Palmer, 1975*	Intensive, long-term counseling, group homes in lieu of state institutions	4 northern California	13-19 years old	prevalence of recidivism, attitudinal changes, parole behavior, school adjustment, employment	Program clients performed better on all measures, except employment, than institutionalized youths. Both groups were equivalent on employment measures.
Empsey and Lubeck, 1971*	Community-based group home in lieu of traditional training school	Los Angeles, California	10-17 years old	incidence and prevalence of delinquency	Large and equivalent drops in the incidence of reoffending in both groups; comparable results in both groups on prevalence measures.
Empey and Erickson, 1972*	Intensive supervision plus daily counseling vs. traditional probation	Provo, Utah	10-17 years old	incidence and prevalence of recidivism	Intensive group performed better on all measures compared to traditional probation supervision with a matched group of youths.
Coates, et al., 1978	A range of community-based sanctions begun after closure of training schools	Massachusetts statewide	7-17 years old	prevalence of recidivism, attitudes towards conformity	Recidivism rates of training school releases were lower than new community programs; community program youths showed better attitudinal improvement than institutionalized youths.
Murray and Cox, 1979	A range of sanctions for juvenile offenders	Illinois statewide	10-17 years old	incidence of recidivism	Large reductions in incidence of recidivism; the most intensive community programs produced equivalent suppression effects to institutionalization.
Greenwood and Turner, 1987	Wilderness program in lieu of county correctional facility	San Diego, California	10-17 years old	prevalence of recidivism	VisionQuest clients performed better than comparison group.
Krisberg, et al., 1988	A range of community-based and small secure programs	Utah statewide	7-17 years old	incidence and prevalence of recidivism	Large declines in the incidence of recidivism after correctional intervention.
Barton and Butts, 1988	3 versions of intensive supervision in lieu of commitment to state facilities	Wayne County, Michigan	10-17 years old	incidence of recidivism, self-reported delinquency	Experimentals performed comparably to controls on official recidivism measures; the intensive supervision group performed better on self-report delinquency measures.
Krisberg and Austin, 1989	Community-based small secure program.	Massachusetts statewide	7-17 years old	incidence and prevalence of recidivism	Youths in DYS programs showed sustained declines in incidence of recidivism; prevalence rates were lower than other states studied.

* Studies involve random assignment to experimental and control groups; other studies used post-test only or non-random companion groups.

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home emphasizing regular school attendance and intensive group therapy. After one year, both groups showed equivalent and large reductions in the number of arrests (but not complete desistance from delinquency). This led Empey and Lubeck to conclude that enhanced community-based programs were an appropriate alternative to traditional correctional placements.

On balance, the existing research indicates that highly structured community programs produce recidivism outcomes comparable to confinement in traditional large-scale correctional facilities (Murray and Cox, 1979; Coates et al., 1978; Krisberg et al., 1987; Krisberg et al., 1989a; and Barton and Butts, 1988). These studies show that community-based programs usually are less costly than traditional incarceration. While more rigorous research on community programs is definitely needed, the empirical evidence supports expansion of well-structured, non-institutional programs for non-violent adolescents.

Although the research cited above indicates that community-based interventions are at least as effective as institutionalization, it is perplexing that these programs do not produce much lower recidivism rates. Traditional juvenile corrections facilities are beset with violence and client management problems (Lerner, 1986; Feld, 1977; Bartollas et al., 1976). Several juvenile justice experts explain this paradox in terms of inadequate aftercare or community re-entry services (Greenwood and Zimring, 1985; Coates et al., 1978). According to criminologists Alden Miller and Lloyd Ohlin:

> Delinquency is a community problem. In the final analysis the means for its prevention and control must be built into the fabric of community life. This can only happen if the community accepts its share of responsibility for having generated and perpetuated paths of socialization that lead to sporadic criminal episodes for some youths and careers in crime for others.
>
> *Miller and Ohlin, 1985:1*

There remains a genuine need to test improved methods of delivering intensive aftercare services. Re-entry programs must assist adolescent offenders returning to chaotic and often criminogenic family, peer and neighborhood environments.

The delivery of essential aftercare services is often blocked by the severe fragmentation of adolescent services in most communities. Juvenile justice agencies are not effectively linked to those organizations providing mental health, social welfare or educational services. It is common for delinquent youths and their families to have multiple staff from several agencies assigned to their case. These helping professionals are often unaware of the treatment plans and resources of one another. There is virtually no comprehensive and coordinated planning for delinquent youths. Consequently, there are many accounts of excessive duplication of efforts and service

gaps (Krisberg et al., 1988). Juvenile justice officials often complain that child welfare and mental health agencies use juvenile correctional facilities as dumping grounds for adolescents they cannot or do not chose to manage. This problem is particularly acute for older and more aggressive youths.

Interventions for Special Offender Populations

Three offfender populations are of special public interest: sex offenders, drug dependent youths and violent youths. Arrests of juveniles for all three offense categories have been growing in recent years. The most dramatic increase has been for juveniles arrested from drug offenses. Unfortunately, the research literature on treatment approaches for these groups is limited. For example, almost all of the evaluative research on sex offenders and drug treatment covers adult programs.

Sex offender programs have become increasingly popular within juvenile corrections agencies. However, there are still very limited treatment resources available for these youths in most jurisdictions. While there are several published clinical studies, the data on diverse treatment approaches are sparse. Interventions have ranged from psychoanalytic techniques, behavior modification, drug therapy (depo-provera) as well as more traditional intensive probation supervision strategies. Some of the preliminary results are encouraging. For instance, Davidson (1984) reports that incarcerated rapists who received behavioral oriented treatment had one-fifth of the recidivism rates of a matched sample of untreated inmates. In a 10-year follow-up study, Romero and Williams (1985) found that two randomly assigned groups of sex offenders in either group therapy or intensive supervision had relatively low rates of re-offending (14 percent and 7 percent, respectively).

These studies may not be effectively tapping a large amount of undetected sexual offending. For example, Abel et al., (1985) report that their sample of sex offenders committed an average of 44 offenses per year. Optimism over treatment efficacy must be guarded as a whole host of measurement and design issues have not been resolved (Gendreau and Ross, 1987).

The drug offender is now the center of national attention. However until recently, adolescents charged with drug offenses comprised a small fraction of the caseload of juvenile courts and juvenile corrections agencies (Snyder et al., 1989). As in the case of sexual offenders, there are very few specialized treatment programs for juvenile drug offenders.

The research on adult drug treatment programs suggests that several modalities have produced positive results (Gendreau and Ross, 1987; Kleber, 1989). While no single treatment works with the majority of drug dependent persons, a variety of interventions alone or in combination hold great promise. Methadone maintenance, therapeutic communities, the use of anti-depressants, and the seven step model of

Alcoholics Anonymous all possess some empirical data backing their expanded utilization. Importantly, Kleber (1989) notes that virtually all drug programs produce better results when clients have viable employment options. This reinforces the need to strengthen aftercare or reentry services as part of the total treatment strategy.

The federal Violent Juvenile Offender (VJO) project is the most recent comprehensive approach to violent juveniles. In this project, adolescents charged with a violent felony, who possessed at least one prior Part 1 offense, were randomly assigned to a special correctional program or they were processed according to normal procedures in their jurisdiction. The test sites were Boston, Massachusetts; Newark, New Jersey; Memphis, Tennessee; and Detroit, Michigan. The VJO program combined a short period of secure confinement with extensive and concerted efforts to re-integrate the offender back to community living. The program elements were derived from a theory of delinquent behavior and represented a mixture of program elements from several well-established community-based corrections programs (Mathias et al., 1984).

The evaluators found that the test sites had great difficulty in implementing the model program. Few jurisdictions were prepared for the intensive levels of service called for by the program design. Other sites could not modify their normal processing methods to actualize the new approach. Interestingly, many other candidate sites were unable to find enough violent offenders to justify federal support for a VJO program (Fagan et al., 1984). However, in those locations where the VJO program was most faithfully implemented, the results were positive. In the best VJO sites, the experimental group performed better than the controls on virtually every measure of official and self-reported recidivism. The results were mixed in locales where full program implementation was not achieved. At one site in which the VJO program was poorly implemented, the controls actually performed better than the experimentals. The evaluators concluded that these data lend considerable support to the underlining theory of the VJO program (Fagan, 1990).

The VJO program demonstrated that changing traditional methods of dealing with violent offenders is complex. However, the preliminary research data suggest that sanctions involving shorter periods of secure confinement combined with enriched re-entry planning and services may be more effective than current incapacitation strategies.

Treating Health Problems of Adolescents in the Juvenile Justice System

In 1979, the American Medical Association (AMA) established its first health care standards for juvenile correctional facilities (American Medical Association, 1979a). Since that time there have been several inventories of the health problems of

incarcerated youngsters as well as the development of mechanisms for certifying institutional health care facilities (American Medical Association, 1979b; National Commission on Correctional Health, 1984). Despite these efforts, some observers have noted little improvement in health care services for adolescents in correctional facilities (Costello and Jamison, 1987; AMA Council on Scientific Affairs, 1989).

The range of health care issues presented by juvenile offenders is quite broad. Many adolescents enter state custody with high rates of substance abuse, sexually transmitted diseases, unplanned pregnancies, emotional problems and neuropsychiatric disorders. Most adolescents have used drugs regularly and more than one-third were intoxicated at the time of their arrest (Bureau of Justice Statistics, 1988). Although males are rarely tested for sexually transmitted diseases, various studies of female delinquents report very high rates of vaginal diseases, gonorrhea and chlamydia (AMA Council on Scientific Affairs, 1989:4-5).

Many incarcerated adolescents have histories of severe child abuse and sexual assault. They are likely to have histories of severe fractures and other injuries (Lewis et al., 1979; Shanok and Lewis, 1981). Delinquent populations are also likely to posses unusually high rates of dental disease, eating disorders and neuropsychiatric problems such as learning disabilities, depression and personality disorders (AMA Council on Scientific Affairs, 1989:5).

Besides the pre-existing health problems of incarcerated delinquents, there are health problems associated with the confinement experience itself. Institutionalized adolescents suffer from self-inflicted injuries, accidents, physical and sexual abuse and excessive weight gain. Juvenile facilities report high levels of violence, particularly in crowded living units; excessive use of isolation to control behavior and inappropriate use of psychotropic drugs (Costello and Jamison, 1987). Tragically, incarcerated youths (especially those held in adult jails) have rates of suicide that are 2.5 times those of the general adolescent population aged 15 to 19 years old (Mitchell, 1988).

Existing juvenile justice health standards are presently voluntary. A 1983 survey indicated that many facilities, especially those housing fewer than 50 youths, were not meeting the AMA health standards. Table 3 summarizes the results of this study. Moreover, there are virtually no data on the quality of trained personnel providing existing health care services.

Health care personnel face unique challenges in juvenile correctional facilities. For example, they may face the ethical bind of reporting alleged abusive behavior by staff versus maintaining effective working relationships with facility co-workers. In some cases, staff will argue that the alleged abuse was critical to preventing adolescents from endangering themselves or others. Facility staff may be asked to participate in the use of physical restraints, isolation or administration of drugs to control behavior.

TABLE 3
INSTITUTIONAL COMPLIANCE WITH
NATIONAL HEALTH STANDARDS FOR
JUVENILE FACILITIES, 1983

	Size of Facility		
	Small[1] (N=199)	Medium[2] (N=72)	Large[3] (N=24)
Regular Sick Call[4]	52%	86%	83%
Initial Medical Screening	62%	51%	79%
Complete Health Appraisal Within 7 Days of Admission	66%	79%	83%
On-Going Dental Care	16%	69%	—
On-Going Mental Health Services	32%	71%	—

[1] Facilities with an average daily census of 50 or less

[2] Facilities with an average daily census of 51-200

[3] Facilities with an average daily census of 201 or more

[4] Defined as once per week in small, three times per week in medium and five times a week in large facilities

Health professionals in correctional facilities work with adolescents at high risk of becoming HIV-infected. They face a significant responsibility to educate both adolescents and staff on preventing transmission of AIDS.

Health care financing for confined delinquent populations is especially problematic. For example, current Medicaid guidelines prohibit federal reimbursements for health services within correctional facilities. Few confined youths possess health insurance and thus, health care services are chronically underfunded. Federal policies preclude physicians from receiving adequate financial compensation for the services rendered to institutionalized populations. Thus, it is difficult to attract the participation of highly trained and experienced health care personnel to care for children in urgent need of medical attention.

A recent AMA report recommends that state and local county medical associations become involved in upgrading health care in juvenile correctional facilities. It is urged that medical professionals work to discourage: (1) the detention of youths who are mentally ill, (2) the housing of youths in adult jails, and (3) the use

of non-scientifically supported therapies to alter behavior. The AMA committee also calls on the U.S. Congress to re-examine the funding of health care in delinquent institutions, especially the role of Medicaid in financing these programs (AMA Council on Scientific Affairs, 1989:13-14).

The area of educational services for handicapped youths is likely to become a major issue for the juvenile corrections system. Both the Educational for All Handicapped Children Act and Section 504 of the Vocational Rehabilitation Act provide substantial federal statutory justification for improving diagnostic and special educational resources (Shauffer et al., 1987). However, the inadequate funding of most juvenile corrections agencies makes it difficult to achieve the required levels of services and care.

The Costs of Juvenile Justice

Although data on the costs of juvenile justice services are not readily available, it is probable that the nation spends at least $15 to 20 billion a year to arrest, prosecute and control juvenile offenders (BJS, 1988). Annual expenditures on juvenile confinement in public facilities exceeds $2 billion per year (Allen-Hagen, 1988). There are large variations among states in spending on juvenile services; Southern states spend the least per incarcerated adolescent and Northeastern states the most.

Juvenile corrections agencies also receive partial financial assistance through federal and state educational, vocational and welfare funding. For example, a recent California legislative analysis reported that over $150 million annually in AFDC funds are spent on group homes and foster placements for juvenile court clients.

There are few rigorous analyses of the cost effectiveness of various juvenile justice interventions. However, studies of Utah and Massachusetts indicate that substantial fiscal savings are realized through the extensive use of community-based programs in lieu of training schools (Krisberg et al., 1988; Krisberg et al., 1989). The principal cost savings in Utah and Massachusetts come from very limited use of secure confinement and shorter periods of institutionalization (Baird and Neuenfeldt, 1989).

Future Environmental Forces Impacting Juvenile Justice

In the past decade the size of the adolescent population has been shrinking. Despite the fewer number of teenagers, the proportion of adolescents processed through the juvenile justice system has grown. Beginning in the 1990s, the children of the "baby boomer" generation will reach their adolescent years. By 1995 there will be another peak in the adolescent population, although not of the same magnitude as

the mid-1970s. Still, it is highly likely that the currently overloaded and underfunded juvenile justice system will face even higher caseloads in the future.

In addition to the growing adolescent population, juvenile justice agencies will be asked to manage adolescents reared in extreme poverty and young people who have had extensive involvement in drug use. The proportion of children reared in single parent families living below the poverty level has increased since the late 1970s. Increasingly, urban neighborhoods have become concentrations of impoverished women and children. The exodus of more successful families has left behind fewer positive role models of upward mobility (Wilson, 1987).

The plight of the "truly disadvantaged" has been exacerbated by growing problems of homelessness and drug addiction. For example, in New York City alone, there are over 10,000 children living in shelters or welfare hotels; less than half of these children are attending school on a regular basis. Drug abuse, particularly addiction to a form of cocaine known as "crack," has increased among minorities and the poor; even as drug use among middle class Americans has sharply declined (NIDA, 1989).

A large number of babies are born addicted to "crack." The Center for Disease Control estimates that there are already over 300,000 "crack babies." It is feared that these children will face severe developmental problems and will experience enormous difficulties in conventional school settings. For example, the Los Angeles Unified School District has created special pre-school programs for the children of drug addicts to forestall greater problems when these children enter kindergarten.

Another ominous trend can be seen in the emerging labor market. The job prospects of low income adolescents are much more difficult than in the past. The transformation of the economy away from industrial production and manufacturing towards the service sector makes successful employment much more tenuous for those without at least a high school degree. Yet, urban school dropout rates remain at record high levels (Duster, 1987). Sociologist Troy Duster suggests that whereas adolescents once dropped out of school into the factory, today youths leave school to enter the world of drug trafficking and crime. The U.S. economy faces a startling contradiction: lots of high technology jobs without potential candidates and many youths locked out of the labor market because of inadequate education and training. These economic forces are likely to heavily impact adolescents enmeshed in the juvenile justice system. These young people have low educational attainments and have virtually no access to the limited community-based job training resources now available.

These dire social facts are further complicated by the severe cutbacks in governmental funding for programs designed to assist poor families and children (Currie, 1987). Declining resources in the child welfare system have propelled the most troublesome adolescents to the juvenile justice system. The demand for institutional and out-of-home placements is growing. For instance, in several

California counties large proportions of youths held in detention centers are waiting the availability of foster care or group home beds. Since many juvenile justice clients and their siblings are also served by child welfare agencies, the shrinking social welfare and special education resources reduce the treatment resources available to the juvenile court.

These environmental forces mean that the juvenile justice system will handle many more deeply troubled adolescents in the next several years. Juvenile correctional facilities are becoming increasingly overcrowded. In 1987, over 40 percent of the youths in detention centers and 52 percent in training schools were housed in overcrowded conditions. Due to the enormous crowding in adult prisons, it is unlikely that juvenile administrators will be able to successfully compete for scarce public revenues to construct new facilities. Moreover, the nation's experience with prisons and jails demonstrates that the sole reliance on building new beds rarely solves overcrowding.

Besides overloaded and antiquated buildings, the juvenile justice system will face the urgent need to recruit and train new personnel. The juvenile justice system, like most corporations, will have to compete for the declining number of workers in the next two decades. Salaries within juvenile justice agencies traditionally have been lower than comparable salaries in the adult justice system and well below salary levels in the private sector. Training for juvenile justice personnel is severely limited. With the exception of federally-funded training for juvenile court judges, training resources for other juvenile justice personnel are virtually nonexistent.

Models For the Future

The foregoing analysis of the juvenile justice system portends very difficult times for already beleaguered agencies. Despite some obviously negative trends, however, there are important reasons to remain optimistic. In particular, there are several policy and program models that could offer pathways out of the juvenile justice system's current turmoil.

Removing Children From Jails

One goal of the early juvenile court legislation was to rescue children from adult jails. Adolescents held in adult facilities were often physically and sexually abused by inmates and staff. Suicide rates among adolescents in jails are much higher than for youths held in juvenile facilities (Schwartz, 1988a). For the next nine decades jail removal remained high on the reform agenda, but with few actual successes. Even as late as the mid-1970s there are estimates of nearly 500,000 juveniles admitted to adult jails and lockups (Sarri and Vintner, 1974). However, in 1980 the Congress enacted

an amendment to the Juvenile Justice and Delinquency Prevention Act that has profoundly changed laws and practices. The 1980 amendment required that states receiving federal funding accomplish complete removal of juveniles from jails within a five-year time period (Schwartz, 1988b).

Although several states have been unable to meet the Congressional mandate, there has been a major decline in the number of juveniles admitted to jails. In 1986 the number had declined to approximately 60,000 — a drop of 88 percent from the pre-amendment period. The Congressional action led many states to change their laws to severely restrict or abolish the jailing of children. In each of these instances the new legislation required the support of a very broad coalition of criminal justice and child advocacy groups (Steinhart, 1988b). Further, the JJPDA has been interpreted by some federal courts as creating a private cause of action under existing civil rights laws (Swanger, 1988). This gives child advocates another tool to press for complete removal of children from jails (Soler, 1988).

The jail removal movement demonstrates that the goals of child protection and public protection are not antithetical. Moreover, many communities discovered that sensible alternatives to jailing, such as temporary shelter care or home detention, can be created without requiring large expenditures of public funds (Steinhart, 1988b). Also, elected officials found that they could support humane policies without suffering the alleged political liability of appearing to be soft on crime. Successes in jail removal illustrate the power of legislative action to discourage harmful practices.

Case Management: The New York City Department of Juvenile Justice

For years, New York City's detention center was nationally known as one of the most brutal and inhumane places housing troubled youngsters. The Spofford Center became the target of repeated lawsuits. In 1979, the Mayor created a new city agency, the Department of Juvenile Justice (DJJ) and charged it to accomplish a major overhaul of the detention system. A former child advocate and attorney, Ellen Schall, was recruited to lead the change process.

The first item on the reform agenda was to reduce crowding at Spofford. DJJ staff created non-secure detention placements for youths not requiring secure custody. They also streamlined court procedures and reduced delay periods from arrest to hearings. Youth sentenced to state juvenile programs were moved more quickly into those placements. These steps reduced the detention population by almost half.

Next, the DJJ began reconceptualizing their approach to detention. The agency asserted that the brief period of detention should be turned into an opportunity to identify medical, educational and social service needs and to begin meeting those needs. A sophisticated educational testing and remedial program was introduced. DJJ

implemented one of the nation's few fully accredited juvenile corrections medical programs. Detained youths receive 24-hour comprehensive medical, dental and mental health services. Many previously undiagnosed health problems are discovered and resolved (New York Department of Juvenile Justice, 1989).

DJJ developed a complete case management system for each youth. This system organizes information about each youngster and monitors the provision of remedial services. The case management approach is fully computerized and assists staff in delivering highly individualized services. The department has also launched a voluntary aftercare program in which youths and their families receive supportive counselling even after they are discharged from Spofford.

In 1989, DJJ won approval to abandon the antiquated Spofford facility. The future New York City detention system will consist of two small regional secure facilities and expanded non-secure detention placements.

The DJJ has demonstrated that detention need not be "dead time" while youths await court hearings. Detention can be a time to respond to urgent unmet needs of very troubled young people. In New York City detention affords the community the chance to identify and work on severe learning problems of delinquent adolescents. The DJJ works closely with social service and educational personnel to get their clients plugged back into school and family environments. Thus, more than just a temporary holding action, DJJ has been transformed into a truly preventive agency working with extremely high risk youngsters.

The DJJ has received national acclaim for excellence in public sector management from experts such as Tom Peters, the Ford Foundation and Harvard's Kennedy School of Government. What some have called the "Spofford Miracle" demonstrates the potential for humanistic changes within juvenile justice agencies (Krisberg, 1988). Further, DJJ's case management approach could enhance the treatment of youths in most juvenile programs. As with the Massachusetts experience, New York City found that more judicious use of costly secure confinement allows agency resources to be redirected to enhance the level of care for more adolescents.

Other Innovative Juvenile Justice Programs

In addition to the systemic reforms described above, there are several individual programs that deserve special mention. These programs share in common a fresh approach to the management of serious juvenile offenders.

The Florida-based Associated Marine Institutes (AMI) operates a diverse multi-state network of programs for juvenile offenders. Most youths live at home or with foster families. Each day they are involved in AMI programs that include training in boat repair, diving and marine biology. AMI also operates an excellent educational program with an exemplary record of assisting youths to complete their

high school educations. Each of the local AMI programs recruit local volunteers who raise money for the programs and become directly involved with the youths. There is an explicit and clear aftercare plan for each youth. Research by Tollet (1987) indicates that AMI graduates have recidivism rates as good or better than many Florida programs.

In addition to AMI's day treatment programs, the agency also operates a small wilderness program for adolescents who would otherwise be sent to adult prisons. Called the Florida Environmental Institute, this program engages youths in hard and productive environmental work in the Florida Everglades. The isolation of the program makes escape unfeasible and eliminates the need for prison-like security measures.

Another non-traditional residential program, VisionQuest, also employs wilderness challenges and intensive group therapy for serious juvenile offenders. A recent study by the Rand Corporation suggests that VisionQuest youths from San Diego, California performed better than similar offenders sent to a county correctional institution (Greenwood and Turner, 1987).

The Juvenile Division of the New Jersey Department of Corrections operates community-based programs for over half the youths committed to its custody. These day treatment or group home programs enroll adolescents in local community colleges. The Juvenile Division day treatment programs emphasize vocational training and work placements. Some adolescents learn landscape architecture; others operate a New Jersey concert center.

In partnership with philanthropist Ray Chambers, the division runs a fast food franchise "Jersey Mikes." Youthful offenders refurbished the building and have been trained to operate all aspects of the business. The business is organized as an employee stock option plan — youths who remain crime-free own shares in the franchise and in all future business enterprises. They are employed, learning entrepreneurial skills and developing personal capital.

The KEY Program Inc., a program headquartered in Massachusetts, pioneered the concept of outreach and tracking. Young offenders live in the community; however, they are closely supervised on a 24-hour, seven-day-a-week basis. Youths must conform to precise and individualized plans involving schooling, work, counseling programs and victim restitution. If youths fail to meet program expectations, they may be securely confined for a brief period (sometimes a few days). KEY Inc. operates a limited number of beds to temporarily house their clients who require residential services before returning home.

The KEY Inc. program pays careful attention to high quality staff training and supervision. Further, KEY requires that staff move on to other jobs after 12 to 14 months of employment. This rule is intended to prevent staff "burnout" that is typical of intensive supervision programs. Former staff of KEY Inc. are so well-trained that they are valuable candidates for other human service agencies (Bakke et al., 1989).

The innovative programs described above are a small sampling of the possibilities for new directions in handling serious delinquents. All of these efforts involve novel collaborations between public and private agencies. These programs challenge the conventional wisdom that prison-like institutions offer the only option for serious juvenile offenders. Successful juvenile programs emphasize intensive, individualized services and strong management accountability for delivering necessary supervision and treatments.

The Role of The Federal Government

Beginning with the creation of the United States Children's Bureau in 1912, the federal government has played an increasing role in the prevention and control of juvenile crime. The Children's Bureau collected juvenile court data, conducted surveys and published reports on juvenile justice topics. In the 1940s other federal agencies such as the National Institute of Mental Health began getting involved in delinquency issues.

Growing alarm over adolescent crime led President John Kennedy to establish the President's Committee on Youth Crime that funded large scale delinquency prevention programs in several major urban areas such as the Mobilization for Youth and Harlem Youth Opportunities Unlimited. These programs were the early testing grounds for many of the concepts that later guided the federal "War on Poverty" of the 1960s (Moynahan, 1969).

In 1967, the Presidential Commission on Law Enforcement and the Administration of Justice conducted a comprehensive review of juvenile justice and recommended programs of diversion and deinstitutionalization. The Commission advocated the creation of youth service bureaus to assist communities to better organize their responses to troubled young people. The following year the Congress enacted major crime control legislation, including a federal grant program operated by the new Law Enforcement Assistance Administration located in the Justice Department. Another new federal law called for grants administered through the Department of Health, Education and Welfare to states and localities to improve juvenile justice and delinquency prevention programs.

In the early 1970s, the U.S. Senate Subcommittee on Juvenile Delinquency conducted nearly five years of exhaustive investigations and concluded "... that our present system of juvenile justice was failing miserably" (U.S. Senate, Committee on the Judiciary, 1975:3). These hearings focused on the continuing problems of children held in jails, status offenders housed together with violent offenders, the lack of trained personnel and inadequate prevention resources, along with a host of other issues.

The passage of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 represented a major step forward in the federal role in juvenile justice. The law required states to remove status offenders from secure confinement and to separate adult and juvenile offenders as a condition of receiving federal funding. The JJDPA also mandated new data collection and research as well as demonstration projects to explore "advanced practices." During the Carter administration, the budget of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) grew to over $100 million per year, mostly in the form of state block grants. In 1980, the JJDPA was amended to require the complete removal of juveniles from jails and police lockups. The OJJDP played a major role in assisting jurisdictions to implement the Congressionally-mandated reforms.

During the Reagan administration, the federal juvenile justice program was significantly altered. The original focus on prevention and diversion was replaced with concern over violent offenders, pornography, missing children and school safety (Regnery, 1986). Most significantly, the Office of Management and Budget (OMB) proposed that funding for OJJDP be eliminated. For eight consecutive years, Congress restored an appropriation for OJJDP over the objections of the Justice Department and OMB. As with other government programs, the total allocation to OJJDP decreased sharply during the Reagan years.

President Bush's first budget recommended a drastic cut in funding for OJJDP. Moreover, OMB announced that its plan to fund expanded federal drug programs would draw upon "savings" from OJJDP. At present, the Congress seems inclined to provide continued budgetary support for the OJJDP. However, the federal deficit and new national funding priorities place the future of OJJDP very much in doubt. The precarious fiscal situation of OJJDP has severely hurt staff morale and limited the agency's capacity to sustain a leadership role among juvenile justice practitioners.

Strengthening the Federal Juvenile Justice Role

The National Association of State Advisory Groups (NASAG) produces annual reports to Congress and the President recommending improvements in the federal justice program. The group is a national association of citizens appointed by state governors to oversee the disbursement of the federal juvenile justice block grant funding. Their proposals encompass the perspectives of concerned citizens, elected officials and leading juvenile justice professionals. The NASAG has proposed both structural reforms in OJJDP and specific substantive areas for increased federal attention.

The NASAG has called for the creation of an independent policy board to set long-term program directions for OJJDP. The federal program currently gives the OJJDP administrator virtually unrestrained authority to rapidly change federal

juvenile justice priorities. A powerful policy board, similar to the governance structure of the National Institute of Corrections, could promote greater policy continuity and provide critical input from the field. The NASAG also proposed that the administrator of OJJDP have substantial experience and qualifications in juvenile justice or delinquency prevention.[13] Other proposals called for OJJDP to publish its program plan in advance of the fiscal year. It was recommended that OJJDP make greater use of the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention to better organize federal programs, particularly in the prevention area.

On substantive matters, the NASAG has urged OJJDP to prioritize jail removal and more actively protect the civil rights of confined adolescents. It has called for improved federal data on the characteristics of youths in custody and the conditions of confinement. The Congress enacted many of these suggestions in 1988 amendments to the JJDPA. The NASAG has highlighted the issue of minorities in the juvenile justice system as an area for priority action. There are also proposals to devote a greater share of OJJDP funds to improving juvenile justice for Native Americans and U.S. Pacific Islanders — groups that have received little OJJDP attention over the last decade.

Implementing the NASAG proposals would do much to restore the credibility and influence of OJJDP. Of equal importance is strengthening the program's support within the executive branch. It may be appropriate to revisit the wisdom of locating the OJJDP in the Department of Justice. Fifteen years ago this decision was logical because of the Justice Department's interest in juvenile justice reform and its extensive state block grant program. However, the Congress may wish to examine whether the Department of Health and Human Services (HHS) might provide better policy and administrative support for OJJDP. In view of the well-documented unmet psychological, medical and other service needs of delinquents, the linkages with other HHS agencies might be beneficial. Further, HHS contains other relevant programs particular in the areas of family issues and the handicapped that are closely related to juvenile justice concerns.

Switching the cabinet-level jurisdiction over the federal juvenile justice programs should be prudently considered. It may be that OJJDP would confront formidable "turf battles" in the large Department of Health and Human Services. It is also unknown if the change would help or hinder the OJJDP's mission to remove children from jails. While the linkage with HHS might enhance OJJDP's capacity to plan and implement delinquency prevention programs, the impact on OJJDP's juvenile justice reform agenda is unclear.

One obvious need is for better coordination of existing legislation such as the Federal Adoption Assistance Act and the JJDPA, two important Congressional actions to improve the care of neglected, dependent and abused youngsters. An important but neglected mechanism to strengthen federal juvenile justice goals is the Federal Coordinating Council mentioned previously. Established by the JJDPA, the

Council is chaired by the Attorney General and consists of cabinet-level representatives from all executive branch departments concerned with youths. The Council has rarely been convened in the last ten years. However, such an interagency body could afford the federal government opportunities for more integrated approaches to the problems of young people. For instance, the JJDPA requires that OJJDP pursue a concentration of federal efforts. This concentration is crucial because OJJDP's budget constitutes a tiny fraction of total federal expenditures in the delinquency prevention area. Even modest coordination efforts would greatly expand the impact of the JJDPA. The Coordinating Council is an appropriate forum to discuss and resolve complex issues of interagency cooperation. At present, interagency efforts are negotiated on an ad hoc basis among motivated staff of related federal programs. The Council could also research and plan better utilization of federal and state expenditures for delinquency control and prevention.

Making Juvenile Justice An Adolescent Health Care System

Contemporary juvenile justice policies and practices are far from the idealistic notions that motivated reformers to create a special children's court. Many child advocates question whether the juvenile justice system could ever become either a full-fledged justice system or a child welfare system (Krisberg, 1988). It is uncertain that juvenile justice can simultaneously pursue these distinct goals. The philosopher George Herbert Mead noted that crime control is sought through "hostile procedures of law and...through comprehension of social and psychological conditions" (Mead, 1961:882). Mead did not believe that these two approaches could be combined. "The social worker in the court is the sentimentalist, and the legalist in the social settlement, in spite of his learned doctrine, is the ignoramus" (Mead, 1961:882).

The juvenile justice system's fundamental dilemma is balancing the need for distributive justice with requirements that legal interventions be individualized and flexible. This balancing act is complicated by chronically inadequate resources. While political rhetoric may swing back and forth from punitive themes to rehabilitation, actual court practices are resistent to change.

But, what if the society chose to rebuild the juvenile justice system to become a more effective adolescent health care system? What are the preconditions of that reconstruction?

Delinquency as a Public Health Issue

First, serious youth crime must be reconceptualized as a public health problem as well as a law enforcement issue. As with most other health issues, this perspective would immediately direct priority attention to preventive strategies. By definition, the juvenile justice system is reactionary. A public health perspective would allow serious juvenile offenders to be understood both as victims and victimizers. The linkage is undeniable between physical abuse, parental neglect and violent youth crime. This does not mean that youths are unaccountable for their misconduct. However, a public health perspective offers the possibility of comprehending the origins of youthful violence and forming rationale responses.

What if the issues of teenage pregnancy and venereal disease remained totally cast in the rhetoric of moral condemnation? This might provide an outlet to vent frustration, but it would not reduce the number of teenagers having babies or stop the spread of dangerous communicable diseases. The purely moralistic posture also discourages the kinds of inquiries and experimentation that might improve the performance of the juvenile justice system.

A public health approach to delinquency would inevitably lead us to explore environmental factors in the promotion of delinquency. Greater attention must be paid to the harmful impact of easy availability of guns and drugs as well as the mass media's commercialization of violence. We must better understand how violence becomes defined as an integral part of manhood in certain communities and how these dangerous socialization processes can be modified.

Implementing a Developmental Perspective

Related to adopting a public health paradigm, the juvenile justice system must genuinely build an adolescent development perspective into its basic policies and practices. The best research on adolescent development should be incorporated in the professional education and continuing training of juvenile justice practitioners. In addition, elected officials enacting laws and defining agency policies need more in-depth understanding of the data on adolescent development.

If current research on adolescent development and delinquency is incomplete, then a high priority must be placed on remedying our knowledge gaps. This often entails longitudinal research designs that require sizeable funding investments over a sustained period. With few exceptions, only federal agencies such as OJJDP, NIMH and NIDA have the capacity to support these inquiries. The development of new knowledge and its dissemination to policy-makers and practitioners may well be the federal government's most important contribution to preventing and controlling youth crime.

Protecting Adolescents' Legal Rights

Improving juvenile justice must also involve better legal protection for young people. There is little evidence that secret and informal court procedures advance the child protection. It is worth noting that most of the model programs described in this paper pay close attention to protecting the legal rights of young offenders.

The Institute for Judicial Administration and the American Bar Association (IJA-ABA) have produced a comprehensive set of juvenile justice standards that appropriately balance the legal rights of children and child welfare considerations (Flicker, 1982). The IJA-ABA standards can be used as a blueprint for any jurisdiction concerned about fair treatment of young people.

Besides a framework of justice, adolescents also need genuine access to justice. Too often the provision of legal assistance to juveniles is inferior or nonexistent (Feld, 1988b). Many adolescents and their families waive their right to legal counsel without full comprehension of the consequences of that decision (Schwartz et al., 1989; Grisso, 1980). Some have proposed to remedy this situation by creating an absolute non-waivable right to counsel. Effective legal representation is the prerequisite to all other procedural safeguards (Feld, 1984). Since most juvenile court clients are indigent, proper attention must be given to the quality and training of public defenders and assigned counsels.

Increasingly, proponents of juvenile rights recommend that court proceedings should be open to the public and the media (Schwartz et al., 1989). Closed hearings have not been particularly successful in shielding juveniles from negative publicity in high profile cases. Moreover, the hidden nature of juvenile court operations contributes to perceptions that the court is overly lenient. Where open hearings have been tried, there have been few negative consequences for juveniles (Schwartz et al., 1989).

A related issue involves the quality of juvenile court judges. In many jurisdictions, assignment to the juvenile court is not a highly sought after judicial appointment. The juvenile court often is a dead-end along a judicial career track. Even deeply committed judges may seek rotation out of the juvenile court to advance personal legal careers.

Juvenile court judges must sometimes administer detention, probation and social service agencies. In the discharge of administrative duties, juvenile court judges face complex role conflicts. As judges they must assess the legality of the state's treatment of delinquent youths; as administrators they must defend their employees as well as protect agency budgetary priorities (Rubin, 1979; Schwartz et al., 1989).

In recent years, OJJDP has not funded programs designed to improve the legal rights of adolescent offenders. Since the Reagan years, groups litigating the constitutional rights of incarcerated adolescents have received no federal grants.

Federal judicial training programs have centered on disposition and placement concerns, rather than on safeguarding the legal rights of young people.

Treating the Whole Child

The current organization of adolescent social services is primarily defined by agency turfs and funding categories. This situation contributes to fragmented and often wasteful deployment of social service resources. It is not uncommon for the same youth and family to have a multiplicity of caseworkers assigned to them. From the vantage point of each helping professional the youth is a delinquent, an abused child, a youth in need of special education services or a welfare recipient. Other service providers may be working with the other family members or siblings. In the typical scenario, no one possesses an overview of all of the adolescent's needs. There is rarely a comprehensive and integrated treatment plan.

The categorical nature of funding and the lack of interagency collaboration leads to difficult battles to include or exclude certain clients. Older adolescents, particularly those with histories of mental illness and aggressive behavior, are most likely to be excluded by agency selection criteria. These youths generally end up in juvenile justice institutions because public correctional agencies cannot refuse to take custody of adolescents lawfully committed to their care. Thus, juvenile corrections must manage a wide variety of youngsters that no other agency wants to serve. As fiscal crises place pressure on social service agencies, the juvenile justice system is the ultimate net.

This structure inhibits the accountability of government agencies to protect adolescents and promote public safety. Further, the availability of treatment resources is highly dependent on political and media whim — homelessness last year, and drug abuse this year. A more cost-effective approach would involve coordinated and integrated planning of juvenile justice and related human services. The case management approach of New York City's DJJ and the Massachusetts DYS regional case management system are examples of how services could be re-organized. Recently, Contra Costa County, California has organized interagency teams of youth workers to concentrate on the problems of homeless and runaway youths. It is too soon to evaluate the success of this effort, but such boundary crossing strategies are needed.

At the federal and state level, careful study should be given to reducing the categorical approach to funding programs. This conventional budgetary strategy contributes to a focus on symptoms rather than on underlying causes. Modest experiments with more flexible financing of prevention and intervention programs are needed. The basic objective of these field experiments should be treating the whole

child within his or her family and community context. New models of service delivery must be conceptualized and explored.

The juvenile court could be pivotal in fostering innovative service delivery strategies. Other than state and federal funding sources, juvenile court judges are the most important nexus for virtually all adolescent social and mental health services. Judges have extraordinary powers to order the delivery of specific treatment plans. Moreover, juvenile court judges often are knowledgeable and respected advocates for troubled young people. Given the key role of the judiciary, their training and active involvement in planning new service systems is vital. The Court Appointed Special Advocate (CASA) which works on permanency planning for abandoned and abused children is an excellent example of judicial leadership to protect vulnerable youngsters.

Concluding Observations

American legal scholar Roscoe Pound wrote that the juvenile court was a magnificent step forward in Anglo-American jurisprudence. However, Professor Pound also worried that the virtually unrestrained powers of the court could make it a "star chamber" (Pound, 1957). This ambivalence over the juvenile court's potential for helping or harming adolescents is shared by contemporary child advocates (Schwartz et al., 1989).

The juvenile justice system is beset by major societal forces and does not lack for critics. Several paths are available to guide the future of the juvenile justice system. One direction would amplify the current expansion of punishment and of "holding youth and families more accountable for their misdeeds" (Rossum et al., 1987). An alternative approach entails rediscovering the historic mission of juvenile justice to provide individualized and compassionate care for delinquent youths (Krisberg, 1988).

The punitive direction fits with current political rhetoric about "getting tough" with criminals. The doubling of the prison population and the large growth in juvenile incarceration are products of the "hard-line" approach. Paradoxically, the urge to punish has not matched with public support to raise taxes to pay for a more vengeful justice system. Consequently, conditions of confinement are worsening, challenging basic American values about cruel and unusual punishment.

The public actually seeks a juvenile justice system that deals firmly with violent adolescents, but also focuses attention on treatment and rehabilitation. The model programs described in this paper suggest how public wishes can be actualized.

ENDNOTES

1. A status offender is a youth who commits an act that is only a law violation for a juvenile. The most frequent status offenses are truancy, curfew violations, running away and being beyond parental control.

2. In 1980, the Congress amended the JJDPA to require the complete elimination of the practice of housing juveniles in jails.

3. These data are collected from a non-probability sample of 34 percent of the nation's juvenile courts. While these courts serve jurisdictions in which more than half of the nation's youth population reside, the precision of any national estimates is unknown.

4. Another California poll about public attitudes towards adult offenders reported a much smaller group supporting treatment and rehabilitation (Field Institute, 1981).

5. The Office of Juvenile Justice and Delinquency Prevention is presently commencing a major national statistics project to improve the quantity and quality of information on youths at various stages in the juvenile justice process.

6. Contempt orders may include youths who run away from court-ordered placements.

7. These figures categorize most Hispanic youths as white. Since Hispanic youths have high rates of delinquency, the white versus non-white differences are even more striking.

8. This age-specific pattern may reflect juvenile justice practices more than youth behavior. Juvenile justice officials often use status offense labels to deal with the minor delinquency of younger adolescents. Similar misconduct by older youths may be treated as delinquent violations. Also, the juvenile justice system is less willing to intercede in family or school conflicts as youths approach the age when they can legally leave school or their families.

9. An index offense includes homicide, rape, robbery, aggravated assault, burglary, larceny, auto theft and arson.

10. Between 1978 and 1987 arrests of adult females rose by 24 percent.

11. While some might interpret these results as showing the deterrent effect of incarceration, it is important to note that the large birth cohort studies of adolescents show similar declines in offending regardless of whether the adolescents were incarcerated.

12. This finding was challenged by Lerman (1975) who argued that the differences in recidivism rates were attributable to how parole agents responded to subsequent delinquency. The apparently successful community treatment clients had a slightly higher number of arrests during the follow-ups, but a much lower rate of parole revocation.

13. In 1984, the JJDPA was amended to require the administrator to have a juvenile justice background. The Congressional intent was restated in 1988 amendments. Yet, the first nominee of the Bush administration to head OJJDP possessed little or no experience in juvenile justice.

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